

**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 3, 2004

AGENDA TITLE:

Items pertaining to a unified development plan for properties located at 3035, 3245, and 3345 Kalmia Avenue (approximately 30 acres) and **4195 47th Street** (approximately 17.3 acres in size):

1. **Annexation and initial zoning** of two parcels located at **3035 Kalmia** (approximately 10 acres in size), **3345 Kalmia** (approximately 10 acres in size):
 - A. Consideration of a resolution finding the annexation petitions are in compliance with state statutes and establishing March 16, 2004 as the date for a public hearing.
 - B. Introduction, first reading, and consideration of a motion to order published by title only, ordinances to annex and zone the subject properties to Mixed Density Residential – Developing (MXR-D) for all land being used for residential purposes, and Low Density –Developing (LR-D) for all land being used for church purposes.
2. **Annexation and initial zoning** of one parcel located at **4195 47th Street** (approximately 17.3 acres in size):
 - A. Consideration of a resolution finding the annexation petition is in compliance with state statutes and establishing March 16, 2004 as the date for a public hearing.
 - B. Introduction, first reading, and consideration of a motion to order published by title only, an ordinance to annex and zone the subject properties to Mixed Density Residential – Developing (MXR-D).
3. **Amending the Annexation agreement and rezoning a portion of the Calvary Bible Free Evangelical Church property** located at 3245 Kalmia Avenue:
 - A. Introduction, first reading, and consideration of a motion to order published by title only, an ordinance authorizing the City Manager to amend an annexation agreement associated with approximately 10.18 acres of land located generally at 3245 Kalmia Avenue, originally annexed into the City of Boulder pursuant to Ordinance No. 7207.
 - B. Introduction, first reading, and consideration of a motion to order published by title only, an ordinance to rezone the subject property from Low Density –Developing (LR-D), to Mixed Density Residential – Developing (MXR-D) for all land being used for residential purposes.
4. **The deannexation of a portion of Jay Road** from the City limits of the City of Boulder, as it abuts Four-Mile Creek Subdivision:
 - A. Introduction, first reading, and consideration of a motion to order published by title only, an ordinance disconnecting a portion of Jay Road west of 47th Street, from the City Limits of the City of Boulder.
5. **The granting a vested property right in a site review approval for a unified development plan for properties 3035, 3245, and 3345 Kalmia Avenue and 4195 47th Street:**
 - A. Introduction, first reading and consideration of a motion to order published by title only, an ordinance granting a vested property right for a period of five years for approved site reviews for a property located at 4195 47th Street, and properties located at 3035, 3245, and 3345 Kalmia Avenue.

Owners: NORMAN & ALVENA VOJTA
CALVARY BIBLE EVANGELICAL FREE CHURCH
MICHAEL MARKEL, GARY CALDERON, J. KIRK HENDRICKS
KALMIA 10 ACRE PARTNERSHIP LTD

PRESENTERS:

Planning & Development Services Department
Peter Pollock, Planning Director
Elizabeth Hanson, Acting Land Use Review Manager
Don Durso, Case Manager, Presenter
Susan Richstone, Long Range Planner

Executive Summary:

The purpose of a first reading hearing for annexation is to adopt the resolution for annexation, which finds that the application complies with state annexation requirements, and to set the second reading hearing date, at which time the public hearing will be held on the matter.

City Council review is required for these five requests, and City Council is asked to consider the following requests at its public hearing, and make a decision on whether these proposals meet the approval criteria:

1. Does the annexation and initial zoning for the three properties as described above meet city goals and policies as set forth in the Boulder Valley Comprehensive Plan (BVCP)?
2. Is the rezoning of the north 4.68 acres of the Calvary Bible Evangelical Free Church property necessary for the property to come into compliance with the BVCP?
3. Is the amendment to the annexation agreement between the City and the Calvary Bible Church reasonable in light of the unified development plan for the whole site?
4. Does the deannexation of a portion of Jay Road meet city goals and policies?
5. Is the requested five year vested property right for the site review, as approved by Planning Board on January 8, 2004, a reasonable request when compared to similar sized projects?

The Applicants have submitted requests for annexation for three of the four properties involved in the site review application (*vicinity map, Attachment A*). The Calvary Church property, located at 3245 Kalmia is already annexed. The requested zoning is Mixed Density Residential (MXR-D) for all residential development, and Low Density Residential (LR-D) for all church development. There is an exchange of property between the church (annexed in 2002) and the properties on either side of the church so that all residential development may occur outside zone 2 of the Airport Influence Zone. Therefore, the applicants are proposing to rezone the north 4.68 acres of the church property from LR-D to MXR-D to be developed as residential uses. The Calvary Bible Church has also applied for a vacation of right-of-way and an access easement that were required by the city at the time of annexation to ensure connections between the parcels to the east and west of the church. Because cross access is provided as part of this site plan the applicants have asked to vacate those accesses. City staff will bring an ordinance to vacate these rights-of-way to City Council once new rights-of-way have been established as part of the final plat process. City Council should expect to see this request sometime this summer, if these properties are annexed.

At the time the church annexed, it was to solve a water provision problem on their property. There was always the anticipation that the site would develop in conjunction with neighboring properties, and that the annexation agreement may be amended to accommodate a unified development plan. City staff and the applicants are proposing that the project provide 45% of the housing as permanently affordable (148 units of the 328 units proposed). Because the annexation agreement for the church required 50% affordability for any residential development, the applicants are requesting that the annexation agreement between the city and the church be amended to require 45% affordability on the church site so that the requirement is consistent among all four parcels.

City and County staff are proposing a plan that would return a section of Jay Road to the county in exchange for an access for the Vojta Farm development along Jay Road. This plan would clarify maintenance and enforcement responsibilities while ensuring reasonable access and street configurations for future development without the need to annex Jay Road.

Finally, the applicants are requesting a five year vested right for the site review that was approved by Planning Board on January 8, 2004, which allows the project to be built out over the next five years, instead of the three year vesting provided for in the Land Use Code. Typically, large residential developments have been granted vested rights in excess of the three years in the past.

Project Overview:

Over the past several years the four properties in this proposal (*Vicinity Map, Attachment A*), and the surrounding properties have been the subject of numerous public hearings, forums, community meetings and planning studies including a number of Boulder Valley Comprehensive Plan land use changes, an area-wide planning process, and a Concept Plan Review and Comment that was reviewed by the Planning Board in September 2002 (*Background information, Attachment F*).

Fiscal Impact:

No impacts other than those of a typical annexation are expected. All utilities and infrastructure that do not exist currently will be provided for by the applicant, with a 2 year guarantee (typical in development). The City would ultimately be responsible for street and utility maintenance, as it is for all developed areas of the city.

No fee waivers or incentives have been offered for this proposal. The applicant would be also be responsible for all utility connection fees and reimbursements for existing utilities. As part of the development, the applicants will pay all PIFs (plant investment fees) and DETs (development excise taxes). There would be a modest increase in police and fire service, but this area is already within the service boundary for these services.

Board and Commission Feedback:

At its public hearing on January 8, 2004 the Planning Board unanimously (7-0) voted to recommend that the City Council approve the annexation, rezoning, amendment to the annexation agreement between the City and the Calvary Bible Church, and the deannexation of Jay Road from the City. No Planning Board action was necessary on the right-of-way vacation or five year vested rights request.

Public Feedback:

Approximately 14 citizens spoke at the public hearing before Planning Board on January 8, 2004. A summary of their comments is included in the Public Feedback section of the City Council memo regarding the call-up of the site review, in this agenda packet. The agenda minutes listing speakers and audio tapes of the previous Planning Board hearings can be found at <http://www.ci.boulder.co.us/planning/planningboard/planningboard.html>.

Many of the comments were applicable to the site review on this property. However, there were a number of comments addressing annexation and rezoning. Neighbors who spoke against the development questioned the density, quality of life, impact on property values, and traffic that would be brought to the area.

Required public notice was given in the form of a notice posted on the property and publication for at least 10 days. Additionally, about 1,100 notices were mailed for the last neighborhood meeting on December 8, 2003. Approximately 45-50 neighbors attended this meeting. Notice of the request for

vacation of right-of-way, and rezoning of the church property was mailed to all owners of record within 600 feet of the site on December 5, 2003.

All correspondence received on this project since the Site Review application was filed in May of 2003 up to the time of the Planning Board hearing is included in *Attachment E* of the Planning Board Packet (available in the City Council office). The correspondence includes input on the site review, including a letter drafted by the Four-Mile Creek HOA, and signed by approximately 229 residents of the development, comment sheets provided at the neighborhood meeting on December 8, 2003, and e-mails received about the rezoning and vacation requests. Also, a summary of the notes taken by the facilitator at the December 8, 2003 neighborhood meeting is attached as well. Staff has also received approximately 20 phone calls since September 2003 related to the site review revision. Many of the concerns related to site layout on the Vojta Farm plan has been addressed through a recent change in the site plan, which removed three houses along the Four Mile Creek Subdivision boundary. Public input has addressed the overall density of the project, buffers between the project and surrounding development, traffic concerns, adequacy of parks within and outside the development, and development standards for the project. These concerns are addressed in discussion throughout this memorandum.

Additional correspondence received about this project since the Planning Board hearing has been forwarded from the City Manager's office directly to City Council members.

Staff Recommendation:

ANNEXATIONS:

Staff finds that the request for annexation of LUR1999-00009, for 16.70 acres of land located at 4195 47th Street, and the request for annexation of LUR1999-00007, for 11.78 acres of land located at 3035 Kalmia Avenue, and the request for annexation of LUR1999-00008, for 10.872 acres of land located at 3345 Kalmia Avenue complies with the following requirements:

1. That the request meets applicable state annexation requirements;
2. That the request meets the BVCP policies for annexation;
3. That the requested initial zoning of MXR-D zoning is appropriate for all residentially developable land; and
4. That the requested initial zoning of LR-D zoning is appropriate for all church owned land.

Therefore, staff recommends that the City Council approve the first reading of the annexation ordinances, incorporating this staff memorandum as findings of fact, and the conditions as set forth in the Annexation Agreements, *Attachment D*, and set the date of the public hearing and second reading for March 16, 2004.

REZONING:

Staff finds that the proposed request for rezoning, LUR2003-00097, of 4.68 acres of land located at 3245 Kalmia Avenue, complies with the following requirements:

1. That the request is consistent with the policies and goals of the Boulder Valley Comprehensive Plan;
2. That the request is necessary to come into compliance with the Boulder Valley Comprehensive Plan map; and
3. That the request meets the rezoning criteria.

Therefore, staff recommends that the City Council approve the first reading of the rezoning ordinance, incorporating this staff memorandum as findings of fact, rezoning the property as depicted on the rezoning map, *Attachment H*, from Low Density Residential-Developing (LR-D) to Mixed Density Residential-Developing (MXR-D).

AMENDED ANNEXATION AGREEMENT WITH CALVARY BIBLE CHURCH:

Staff finds that the proposed changes to the annexation agreement with the Calvary Bible Church is consistent with the terms associated with the annexations of the adjoining properties, and will allow the residential portion of the church property to be developed consistent with the approved site plan.

Therefore, staff recommends that the City Council approve first reading of the ordinance authorizing the City Manager to amend an annexation agreement for the property generally located at 3245 Kalmia Avenue, consistent with the terms as set forth in the ordinances, incorporating this staff memorandum as findings of fact, and the conditions as set forth in the Amended Annexation Agreement, *Attachment D*.

DEANNEXATION OF JAY ROAD FROM THE CITY:

Staff finds that the deannexation of Jay Road will clarify maintenance and enforcement responsibilities while ensuring reasonable access and street configurations for future development without the need to annex Jay Road adjacent to the Vojta Farm development.

Therefore, staff recommends that the City Council approve the first reading of the ordinance to detach a portion of Jay Road from the City, as depicted on the map (*Attachment J*), incorporating this staff memorandum as findings of fact.

GRANTING OF A VESTED PROPERTY RIGHT:

Staff finds that the granting of a vested property right for a period of five years for the approved site reviews located at 4195-47th Street, 3035, 3245, and 3345 Kalmia Avenue is appropriate for this development.

Therefore, staff recommends that the City Council approve the first reading of the ordinance to grant a vested right for a period of five years, incorporating this staff memorandum as findings of fact.

Analysis:

1. Annexation

a. Does the request comply with applicable state annexation requirements?

Staff has reviewed the annexation request and finds that the requirements of Section 31-12-105 (1) (a), (b), (c) and (d) C.R.S. are met. No land held in identical ownership will be divided into separate parts or parcels by this annexation. The owners of 100 percent of the property have signed the annexation petition. The subject property is at least one-sixth contiguous to the City limits. No part of the annexation area has been part of an annexation proceeding to another municipality within the last twelve months, and the annexation will not result in the detachment of area from any school district. The property is within the Boulder Valley School District. All urban services are, or will be, available to the site upon annexation and development.

b. Does the request comply with the BVCP policies for annexation?

The properties are located within Boulder Valley Planning Area IIA. Area IIA is identified by the BVCP as the area of immediate focus for annexation to the City within the first three years of the BVCP planning period. No new community investment in infrastructure is required to provide urban services, as the applicant will be building all required utility extensions to serve the properties. Annexation of this parcel must be consistent with the policies of the BVCP, including:

Policy 1.25(d) *In order to reduce the negative impacts of new development in the Boulder Valley, the city shall annex Area II land with significant development or redevelopment potential only on very limited basis. Such annexations will be supported only if the annexation provides a special opportunity or benefit to the city.*

The applicants, through discussions with staff, and based upon input received as part of the Concept Plan and previous planning processes, are proposing the following “special opportunity or benefit”:

Forty-five percent of the total 328 units will be permanently affordable. The Housing Division has discussed with the developer the options and conditions for providing affordable housing. A total of 45% of the units are proposed to be permanently affordable. Of that, 23% will be affordable to low income households and 22% to middle income. The affordable units will be mixed in the development in the following manner:

For the 23% low income: no more than 16% multi-family stacked units
 at least 7% multi-family non-stacked units
For the 22% middle income: no more than 2% multi-family stacked units
 at least 17% multi-family non-stacked units
 at least 3% single family

This break down in units is the same as that proposed in the concept plan.

Typically, annexations contain a total of between 40% and 60% permanently affordable housing. This proposal is at the lower end of that range in recognition of the additional community benefit provided by the two one-acre parks, a site design that largely meets or exceeds the MXR-D standards for individual lot open space, and that disperses and integrates the permanently affordable housing units throughout the development and that satisfactorily transitions with the adjacent, existing residential developments. Additionally, there is very little permanently affordable housing in this area of the community and this development will meet a substantial community need for a variety of permanently affordable home ownership opportunities.

At the March 2002 Planning Board meeting, and again at the Concept Plan meeting in September 2002, the Board indicated that permanently affordable housing is the priority for community benefit on these properties. In addition to the proposed 45% permanently affordable housing, this project will contain a wide variety of housing types and sizes. Altogether, the proposed housing will serve a wide range of housing needs in the Boulder community and is consistent with the BVCP policies which generally encourage housing development to meet those needs.

In addition, two one acre private parks are provided for the proposed development, in excess of the open space requirements of the requested zoning district. The two private parks are an element of the plan that came out of the preliminary planning process for these properties.

- c. **Is the requested zoning, Mixed Density Residential-Developing (MXR-D) for the residential development, and Low Density Residential-Developing (LR-D) for the church uses appropriate for this proposal?**

3035, 3245 and 3345 Kalmia Avenue:

Eleven acres of the northeast portion of this site are designated Medium Density Residential and the remaining 18.85 acres are designated Low Density Residential. After subtracting the

newly configured Church property and averaging the density across the site, the comprehensive plan land use designations would allow a maximum of 204 units on the residential portion of the site (11 acres at 14 units/acre and 10 acres at 6 units/acre). The proposal is for 190 units and has an average gross density of 8.98 units per acre.

4195 47th Street:

Five acres of the northeast portion of this site are designated Medium Density Residential and the 12.3 remaining acres are designated Low Density Residential, which would allow a maximum of 148 units on the site. The proposal includes 141 units and has an average gross density of 8.14 units per acre.

2. Calvary Bible Church's request for rezoning of the north 4.68 acres of their property, and an amendment of their annexation agreement.

The church owns 10 acres extending from Palo Parkway on the north to Kalmia Avenue on the south. This property was annexed in 2002. This is the central property of the three which comprise the Northfield Commons project. As part of the overall development plan, the Calvary Bible Church has applied for a rezoning from LR-D to MXR-D for the north 4.68 acres of their property, so that the residential area (almost 30 acres) may be developed at a density consistent with the BVCP. Also, the reconfiguration of the properties to place all of the church's development along Kalmia has the effect of placing the church development within Airport Influence Zone 2, an area in which residential development is not allowed, and all residential development outside of this zone.

The city expedited the annexation of the church property in 2002 prior to annexation of the other properties in order to extend city water to the church and solve its problems with lack of a reliable water supply. At the time of annexation, the city anticipated that the site might be rezoned at a later date based on the outcome of the planning process and potential reconfiguration of the church. The annexation agreement specifically mentions that the site might be rezoned in the future. *Staff's analysis of the rezoning criteria is in Attachment J.*

a. Is the request for amending the annexation agreement consistent with the intent of the original agreement?

The annexation agreement contemplated residential development on the northern two acres of the site, and specifically contemplated the potential reconfiguration of the church, and future increase in density based on the plans for the adjacent properties. The city has encouraged and facilitated the reconfiguration of the church property to foster a more coherent and logical development pattern. The rezoning from LR-D to MXR-D will allow the development of the northern 4.68 acres at the densities approved as part of the 2002/2003 Annual Update to the BVCP and consistent with the concept plan reviewed by the Planning Board in 2002.

b. Is the request for rezoning of the northern 4.68 acres of the church property from LR-D to MXR-D necessary for the property's zoning to come into compliance with the BVCP?

It was anticipated at the time of the 2002/2003 Annual Update to the BVCP that a portion of the church property would have to be rezoned to allow it to develop at the densities approved by changing 11 acres from Low Density to Medium Density Residential. The portion of the church property that will remain LR-D is within the Airport Influence Zone 2, which limits land use to non-residential, such as the church facilities.

3. **Does the Vacation of the Link Road Right-of-Way and Access Easement meet the criteria?**

To vacate a right-of-way or access easement, the city must find that there is no need for the dedicated area. The consolidated development plan provides all necessary connections, and the dedications are no longer needed. Staff will present the vacation ordinances at a later City Council meeting, once new rights-of-way have been dedicated.

4. **Does the deannexation of a portion of Jay Road, adjacent to Four Mile Creek Subdivision meet city goals and policies?**

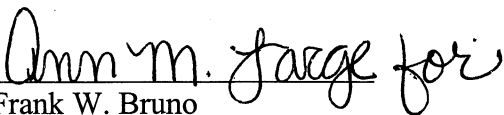
The city proposes to deannex a portion of Jay Road along the Four Mile Creek Subdivision (*map, Attachment I*). Annexation of this portion of right-of-way was done to assure access to the Four Mile Creek Subdivision from Jay Road. The result of this isolated roadway annexation has been a difficulty in police enforcement and inconsistent snow removal and street maintenance. City and County staffs are proposing a plan that would return this section of Jay Road to the county in exchange for an access plan for the Vojta Farms and other future developments along Jay Road. This plan would clarify maintenance and enforcement responsibilities while ensuring reasonable access and street configurations for future development without the need to annex Jay Road.

5. **Is the request to extend Vested Right beyond the three year interval permitted by city ordinances appropriate?**

The applicants are requesting consideration of a 5 year vested right. (*Ordinance, Attachment K*). This is in part to ensure that the church can complete its expansion within the time limit. Currently, there is no time line scheduled for the church expansion, and much of it depends upon fundraising efforts, which can take a long time in the current economic climate.

Secondly, the residential portion of the site will not be a "production" built community. Many of the single family lots will be sold to individuals or individual builders, and built upon when the future resident wishes. For that reason, it is probable that the residential portion of the project will not be complete for 3-5 years. Recent large residential developments, such as Dakota Ridge neighborhood, have been granted five year vested rights, so this request is consistent with those requests.

Approved By:



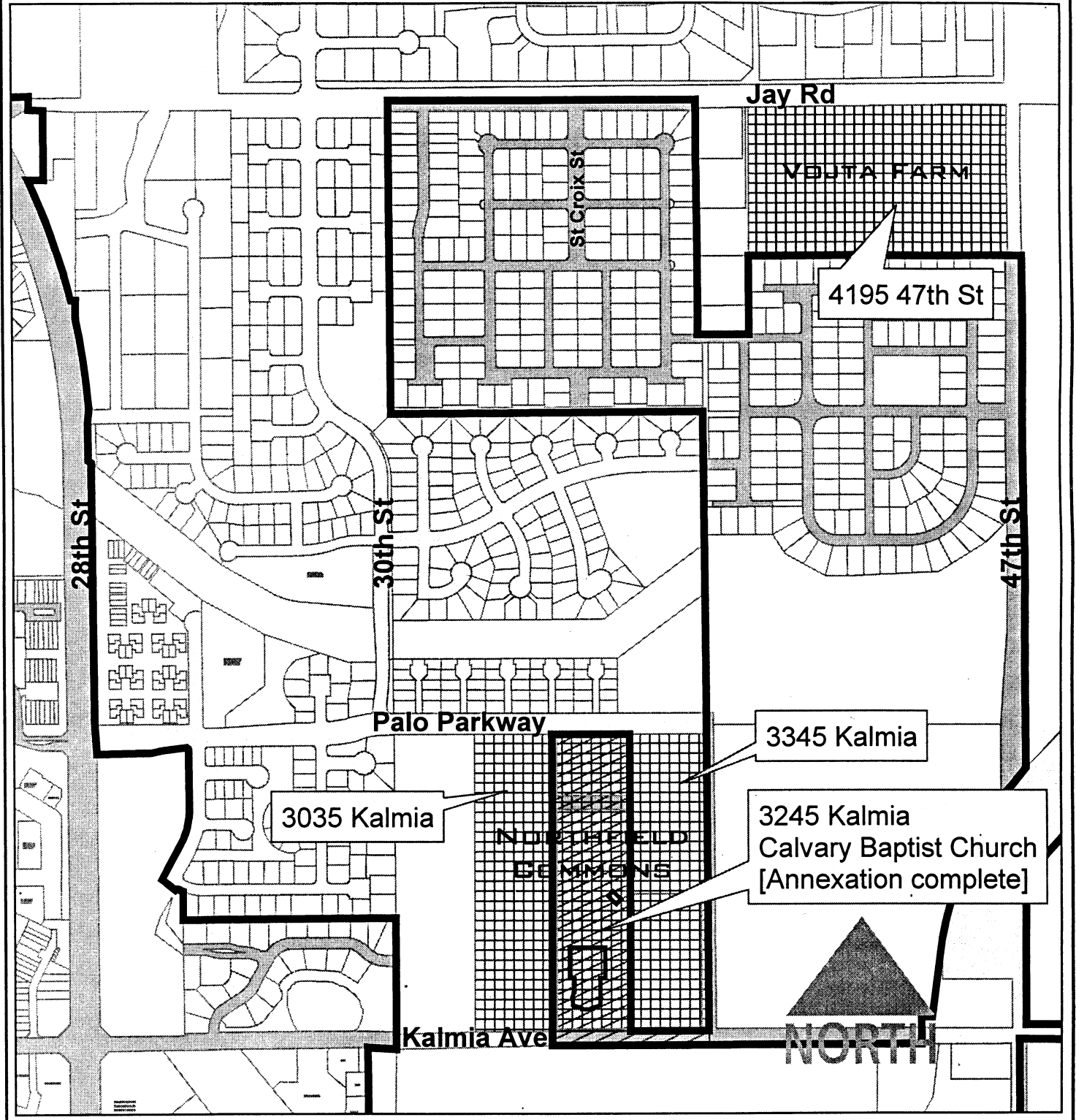
Frank W. Bruno
City Manager

ATTACHMENTS:

- A: Vicinity Map
- B: Annexation Petitions
- C: City Clerk Letter
- D: Annexation Agreements, Amended Annexation Agreement for Calvary Bible Church
- E: Resolutions
- F: Background
- G: Annexation Ordinances, Rezoning Ordinance, Ordinance Authorizing City Manager to Amend the Calvary Bible Church Annexation Agreement, Ordinance Disconnecting a Portion of Jay Road from the City
- H: Rezoning Map
- I: Map depicting area of Jay Road to be detached from City
- J: Rezoning Criteria Checklist
- K: Ordinance Granting a Five Year Vested Right
- L: Annexation Maps

ATTACHMENT A

Vicinity Map



ANNEXATION PETITION

CITY OF BOULDER
CITY CLERK'S OFFICE

99 JUL 23 PM 4:41

ANNEXATION INFORMATION

Location of property to be annexed: 3035 KalmiaLegal Description: See attached Annexation MapSize of property: 10 acres Requested Zoning: ~~LR~~ LR-D

IMPACT REPORT

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

DISTRICTS

Please check those districts in which the property proposed for annexation is included:

☒ Boulder Valley School District☐ Left Hand Water District☐ St. Vrain School District☐ Other (list)☒ Boulder Rural fire District☐ Cherryvale Fire District

PROPERTY OWNERS

List below all owners or lienholders of the property proposed for annexation (please print):

1. Gruzensky Property (PAUL + DOLORES GRUZENSKY)
2. _____
3. _____
4. _____

ANNEXATION PETITION

ANNEXATION INFORMATION

Location of property to be annexed: 4195 N. 47TH BLVD

Legal Description: SEE ATTACHED

Size of property: 17 ± ACRES Requested Zoning: LR-D + NEIGH
CENTER
DEVELOP

IMPACT REPORT

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

DISTRICTS

Please check those districts in which the property proposed for annexation is included:

☒ Boulder Valley School District

Left Hand Water District

St. Vrain School District

Other (list)

☒ Boulder Rural fire District

Cherryvale Fire District

PROPERTY OWNERS

List below all owners or lienholders of the property proposed for annexation (please print):

1. _____
2. _____
3. _____
4. _____

CITY OF BOULDER
CITY CLERK'S OFFICE
ANNEXATION PETITION

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ANNEXATION INFORMATION

Location of property to be annexed: 3345 KALMIA N. SIDE KALMIA / IMMEDIATELY EAST OF 3245 KALMIA

Legal Description: SEE ATTACHED

Size of property: 10 ACRES Requested Zoning: LR-D

IMPACT REPORT

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

DISTRICTS

Please check those districts in which the property proposed for annexation is included:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Boulder Valley School District | <input type="checkbox"/> Left Hand Water District |
| <input type="checkbox"/> St. Vrain School District | <input type="checkbox"/> Other (list) |
| <input checked="" type="checkbox"/> Boulder Rural fire District | _____ |
| <input type="checkbox"/> Cherryvale Fire District | _____ |

PROPERTY OWNERS

List below all owners or lienholders of the property proposed for annexation (please print):

1. KALMIA "10" PARTNERSHIP
2. _____
3. _____
4. _____



City
of
Boulder

Office of the City Clerk

February 11, 2004

CERTIFIED MAIL

Name
Address

Re:

Proposed annexation of two parcels located at **3035 Kalmia** (approximately 10 acres in size), **3345 Kalmia** (approximately 10 acres in size); and proposed annexation of one parcel located at **4195 47th Street** (approximately 17.3 acres in size).

Enclosed please find a copy of a petition for the proposed annexation of two parcels located at **3035 Kalmia** (approximately 10 acres in size), **3345 Kalmia** (approximately 10 acres in size); and proposed annexation of one parcel located at **4195 47th Street** (approximately 17.3 acres in size). A copy of the published notice, and resolution concerning the proposed annexation.

There will be a hearing on this matter some time after 6 p.m. on Tuesday, March 16, 2004, at City Council Chambers, Municipal Building, 1777 Broadway, for the purpose of determining whether the area proposed for annexation meets the applicable state statutory requirements in Sections 31-12-104 and 31-12-105, C.R.S., as amended, before the subject property will be considered eligible for annexation.

Sincerely,

Alisa D. Lewis
City Clerk

ATTACHMENT D

ANNEXATION AGREEMENT

This Agreement, made this _____ day of _____, 2004, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and Michael Markel, Gary Calderon, J. Kirk Hendricks, and Kalmia 10-Acre Partnership, LTD., by Kalmia Ten Management, LLC, general partner, hereinafter referred to as "Applicant:"

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as "3035 & 3345 Kalmia Avenue" and more particularly described in Exhibit A, which real property shall hereinafter be referred to as the "Subject Property;" and

WHEREAS, the Applicants are interested in obtaining approval from the City of a request for the annexation of the Subject Property in order to provide adequate urban services, particularly City water and sewer; and

WHEREAS the parties anticipate that annexation with an initial zoning designation of Low Density Residential-Developing (LR-D), and Mixed Density Residential-Developing (MXR-D) is consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicants in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. Requirements Prior to First Reading of the Annexation Ordinance. Prior to first reading of the annexation ordinance, the Applicant shall:
 - a. Dedicate, in fee and at no cost to the City, an additional 10.5 feet as right-of-way abutting the properties along the north side of Kalmia;
 - b. Pay the following water main utility assessment for 330 feet at \$3.65 per linear foot of **\$1,204.50** for the 3035 Kalmia Property and 330 feet at \$3.65 per linear foot of **\$1,204.50** for the 3345 Kalmia Property, for a total of **\$2409.00**;
 - c. Pay a Storm Water and Flood Management Utility Plant Investment Fee (in accordance with Section 11-5-7 of the Boulder Revised Code, 1981) based on a lot area of 423,070 square feet and an impervious area of 3,500 square feet for the 3035 Kalmia Property;
 - d. Pay the following sanitary sewer main utility assessment for 330 feet at \$4.00 per linear foot of **\$1,320.00** for the 3035 Kalmia Property; and
 - e. Pay a Development Excise Tax (DET) based on the existing development on the 3035 Kalmia Property.
 - f. Sell and convey, or execute an agreement to sell and convey, to the city any interests in water or water rights associated with, or appurtenant to the Properties including any and all interests in the Farmers Ditch Company
 - g. File an application and pay the applicable fees for inclusion of the Properties in the Municipal Subdistrict of the Northern Colorado Water Conservancy District.
2. Affordable Housing. Covenants or deed restrictions to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permits. The Applicant agrees that no

additional dwelling units shall be approved for any individual parcel unless the following requirements have been met. The following requirements shall apply to the Properties:

- a. Permanently Affordable – Low to Moderate Income. At least twenty-three percent (23%) of any new units permitted on site or as part of a unified development plan shall be permanently affordable consistent with Chapter 9-6.5, B.R.C. 1981;
 - i. At least seven percent (7%) of the total new units that are dedicated as permanently affordable consistent with Chapter 9-6.5, B.R.C. 1981, shall consist of single family attached or townhouse style dwelling units;
- b. Permanently Affordable – Middle Income. At least twenty-two percent (22%) of any new units permitted on site shall be permanently affordable to middle income households consistent with the following requirements:
 - i. At least three percent (3%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of single family detached units. The maximum allowable prices for these single family detached units shall be based upon household incomes that are 40% greater than the HUD Low Income Limit for the City of Boulder;
 - ii. At least seventeen percent (17%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of single family attached or non-stacked dwelling units. The maximum allowable prices for these single family attached units shall be based upon household incomes that are 37% greater than the HUD Low Income Limit for the City of Boulder;
 - iii. No more than two percent (2%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of

multi-family stacked units. The maximum allowable prices for these multi-family units shall be based upon household incomes that are 20% greater than the HUD Low Income Limit for the City of Boulder.

- c. Prior Approval of Building Plans Required. Prior to application for a building permit for the permanently affordable units, the location, construction methods, floor plans, exterior elevations, fixtures, finish, and cabinetry must be approved by the City Manager in order to be accepted as permanently affordable units that meet the obligations set forth above.
- d. Covenants and Deed Restrictions Required. Prior to application for a building permit for any new units, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable units. The covenants and deed restrictions shall include, without limitation, the initial sale price and the rate by which subsequent sale prices may increase as well as the income qualifications for the dwelling unit purchasers so as to guarantee the perpetual affordability of the units. The covenants and deed restrictions shall be recorded against the Properties and run with the land.

3. Phasing Plan. The City agrees to make available the following number and type of Residential Growth Management allocations:

	<u>Unrestricted</u>	<u>Permanently Affordable</u>
1 st 12 month period:	35	29
2 nd 12 month period:	35	29
3 rd 12 month period:	<u>34</u>	<u>28</u>
Total:	104	86

The first 12 month period shall commence on the first day that the first Residential Growth Management Allocation is issued. For purposes of Chapter 9-6, B.R.C. 1981, “Residential Growth Management System” each permanently affordable unit constructed

as a result of this agreement shall be considered a “permanently affordable unit”.

Allocations available in a given 12 month period shall continue to be available in the following 12 month period, for a total phasing plan of up to 48 months. Any dwelling units which fail to commence construction during this 48 month period shall be subject to requesting allocations in accordance with Section 9-6-6, B.R.C. 1981.

4. Affordable Housing Requirements Limited to Property or Unified Development Plan.

Any permanently affordable units produced under this agreement may not be used to satisfy other permanently affordable housing requirements located on property other than the Properties, unless done as part of a unified development plan.

5. New Construction: All new construction commenced on the Property after annexation, shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.

6. Public Improvements. Any public improvements, including without limitation water, sewer and transportation that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder Design and Construction Standards.

7. Conveyance of Drainage. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.

8. Dedication Requirements. The Applicants acknowledge that the dedications and public improvements required herein or as part of the associated site review that is being reviewed concurrently with this annexation and the subsequently required subdivision are rationally related and reasonably proportionate to the projected impact of the development of the Subject Property as set forth in this Agreement.

9. Waiver of Vested Rights: The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Agreement shall replace any such rights that may have arisen under Boulder County Jurisdiction.
10. Breach of this Agreement. In the event that the Applicants breach or fail to perform any required action under or fail to pay any fee specified under the Covenants of this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including, but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or fail to perform any affirmative obligation hereunder, the Applicants agree that the City may collect the monies due in the manner provided in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicants, and collect its costs in the manner herein provided. The Applicants agree to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.
11. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City. The Applicant retains the right to abandon efforts to annex into the City of Boulder up to the final reading of the ordinance annexing the property into the City. In the event that the Applicant abandons its effort to annex into the City of Boulder, this agreement shall have no effect and will not be binding on either the Applicant or the City.
12. Binding Nature of this Agreement. The Agreement and covenants as set forth herein shall run with the land and shall be binding upon the Applicants, their heirs, successors,

representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty years and three hundred and sixty-four days.

EXECUTED on the day and year first above written.

Owner:

Gary Calderon

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2004, by Gary Calderon.

Witness my hand and official seal.

My commission expires:

Notary Public

Owner:

Michael Markel

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2004, by Michael Markel.

Witness my hand and official seal.

My commission expires:

Notary Public

Owner:

J. Kirk Hendricks

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2004, by J. Kirk Hendricks.

Witness my hand and official seal.

My commission expires:

Notary Public

Owner:

Kalmia 10-Acre Partnership, LTD.
by Kalmia Ten Management, LLC
general partner

by Richard M. Dorman, Manager
Kalmia Ten Management, LLC

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2004, by Richard M. Dorman, Manager, Kalmia Ten Management, LLC.

Witness my hand and official seal.

My commission expires:

Notary Public

Owner:

Kalmia 10-Acre Partnership, LTD.
by Kalmia Ten Management, LLC
general partner

by Kalmia Joint Venture, Manager
Kalmia Ten Management, LLC
by Bill Eckert, joint venturer

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2004, by Bill Eckert, Joint Venturer, Kalmia Ten Management, LLC.

Witness my hand and official seal.

My commission expires:

Notary Public

CITY OF BOULDER, COLORADO

By: _____
City Manager

Attest:

City Clerk on behalf of the
Director of Finance and Record

Approved as to form:

City Attorney

Date: _____

EXHIBITS

A: Legal Description

B: Zoning Map



Drexel, Barrell & Co.

Exhibit A
-(3035 Talmia-MXR-Dana)

Engineers/Surveyors

January 22, 2004

Boulder,
Colorado Springs,
Greeley

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

That portion of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of the 6th P.M., to be zoned MXR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the W1/2 of the NW1/4 of the NE1/4 and in the W1/2 of the SW1/4 of the NE1/4 of Section 20, and in the SE1/4 of Section 17, all in T1N, R70W of 6th P.M., County of Boulder, State of Colorado, described as follows:

BEGINNING at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, S00°07'45"E, 30.00 feet along the West line of the SW1/4 of the NE1/4 of said Section 20 to the South line of the North 30.00 feet of the SW1/4 of the NW1/4 of said Section 20;

Thence N89°54'10"E, 506.13 feet along the South line of the Northerly 30.00 feet of the SW1/4 of the NE1/4 of said Section 20;

Thence N00°05'53"W, 515.50 feet;

Thence N89°54'10"E, 159.00 feet to the East line of the W1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence N00°05'53"E, 891.73 feet along the East line and along the East line extended Northerly of the W1/2 of the NW1/4 of the NE1/4 of said Section 20 to the North right-of-way line of Palo Parkway in PALO PARK FILING NO. 4 as recorded in Plan File P-15, F-3, No. 4 of the records of Boulder County, Colorado;

Thence S89°47'30"W, 666.10 feet along the North right-of-way line of said Palo Parkway to the West line of the SE1/4 of said Section 17;

(K. Albers - S2550-8 - 5573L.KSA)

Thence S00°23'03"E, 45.00 feet along the West line of the SE1/4 of said Section 17 to the Southwest Corner thereof;

Thence S00°07'45"E, 30.00 feet along the West line of the NE1/4 of said Section 20 to the South line of the North 30.00 feet of the NE1/4 of said Section 20.

Thence N89°47'30"E, 332.93 feet along the South line of the North 30.00 feet of the NE1/4 of said Section 20 to the West line of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 20.

Thence S00°06'49"E, 1271.58 feet along the West line of the E1/2 of the W1/2 of the NE1/4 of the NE1/4 of said Section 20 to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20;

Thence S89°54'10"W, 332.58 feet along the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 to the West line of the NE1/4 of said Section 20;

Thence S00°07'45"E, 30.00 feet along the West line of the NE1/4 of said Section 20 to the POINT OF BEGINNING.

Area = 431,126 square feet, more or less.

Legal Description prepared by:
Kent S. Albers
Drexel, Barrell & Co.
4840 Pearl East Circle, Suite 114
Boulder, CO 80301-2475
(303) 442-4338

(K. Albers - S2550-8 - 5573L.KSA)



Drexel, Barrell & Co.

Exhibit A
(3035 Kalmia - LR-Dave)

Engineers/Surveyors

January 22, 2004

Boulder,
Colorado Springs,
Greeley

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

A description of that portion of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 and the E1/2 of the W1/2 of the SW1/4 of the NE1/4 of Section 20, to be zoned LR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the E1/2 of the W1/2 of the NW1/4 of the NE1/4 and in the E1/2 of the W1/2 of the SW1/4 of the NE1/4, all in Section 20, T1N, R70W of 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, thence S00°07'45"E, 30.00 feet along the West line of the NE1/4 of said Section 20 to the South line of North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20; Thence N89°54'10"E, 506.13 feet along the South line of the North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20 and the TRUE POINT OF BEGINNING;

Thence N00°05'53"W, 515.50 feet;

Thence N89°54'10"E, 159.00 feet to the East line of the W1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence S00°05'53"E, 515.50 feet along the East line of the W1/2 of the NW1/4 of the NE1/4 and along the East line of the W1/2 of the SW1/4 of the NE1/4 of said Section 20 to the South line of the North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20;

Thence S89°54'10"W, 159.00 feet along the South line of the North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20 to the TRUE

(K. Albers - S2550-8 - 5575L.KSA)

POINT OF BEGINNING;

Area = 81,965 square feet, more or less.

Legal Description prepared by:

Kent S. Albers

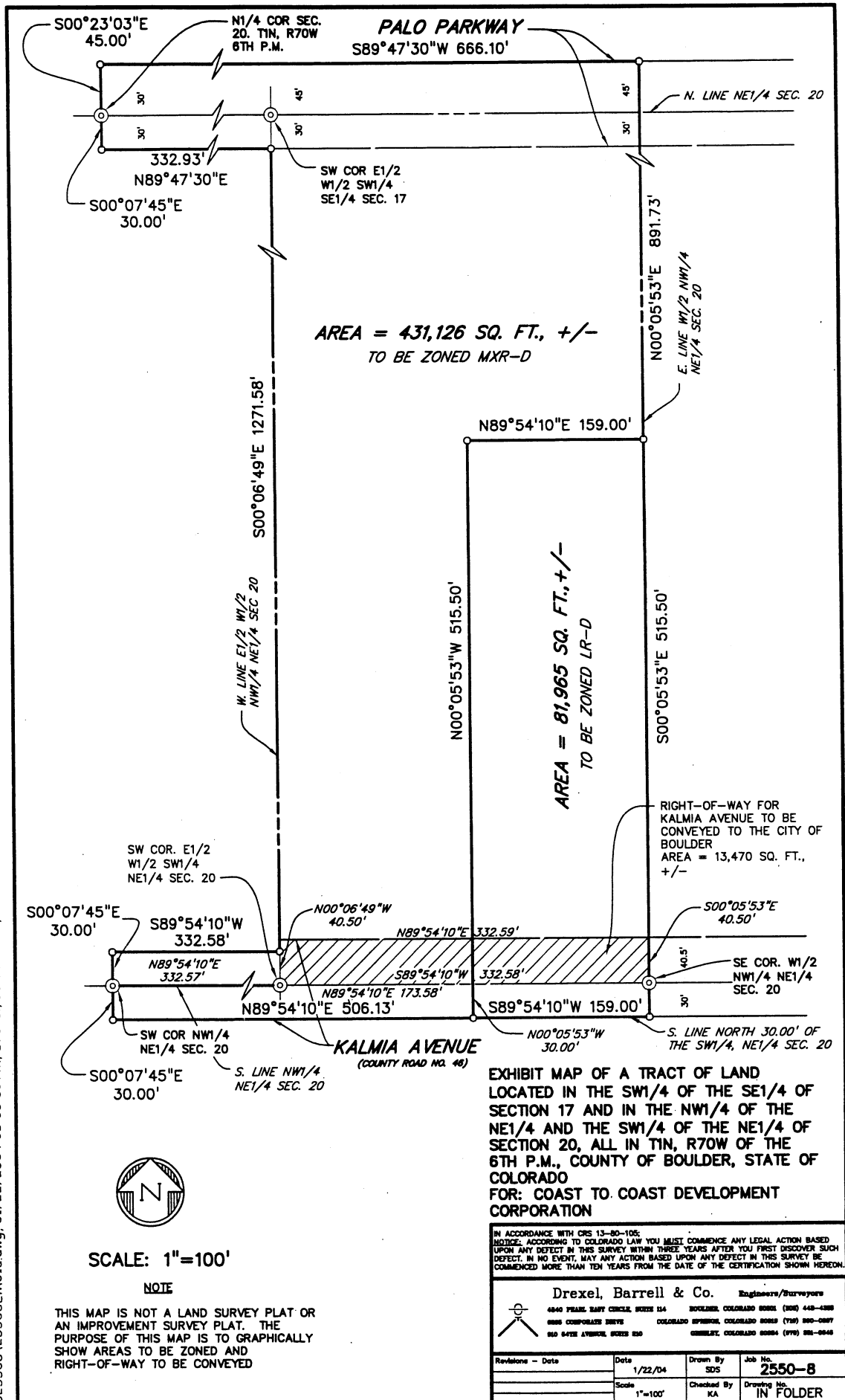
Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

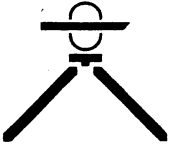
Boulder, CO 80301-2475

(303) 442-4338

Exhibit B
 - (3035 Kalmia-Map) -



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Drexel, Barrell & Co.

Exhibit A
(3345 Talmia-MXR-D Area)

Engineers/Surveyors

January 22, 2004

**Boulder,
Colorado Springs,
Greeley**

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

All that portion of the E1/2 of the SW1/4 of the SE1/4 of Section 17 and the E1/2 of the NW1/4 of the NE1/4 of Section 20, all in T1N, R70W of the 6th P.M., to be zoned MXR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the E1/2 of the SW1/4 of the SE1/4 of Section 17 and in the E1/2 of the NW1/4 of the NE1/4 and in the E1/2 of the SW1/4 of the NE1/4 of Section 20, all in the T1N, R70W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southeast Corner of the NW1/4 of the NE1/4 of said Section 20, from which the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20 bears S89°54'10"W, thence N00°04'00"W, 30.00 feet along the East line of the NW1/4 of the NE1/4 of said Section 20 to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 and the TRUE POINT OF BEGINNING;

Thence continuing N00°04'00"W, 1303.52 feet along the East line of the NW1/4 of the SW1/4 of said Section 20 to the Northeast Corner thereof;

Thence N00°19'15"W, 45.00 feet along the East line of the SW1/2 of the SE1/4 of said Section 17 to the North right-of-way line of Palo Parkway in PALO PARK FILING NO. 4 as record in Plan File P-15, F-3, No. 4 of the records of Boulder, County, Colorado;

Thence S89°47'30"W, 665.70 feet along the North right-of-way line of said Palo Parkway to the West line extended Northerly of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

(K. Albers - S2550-10 - 5574L.KSA)

Thence S00°05'53"E, 75.00 feet along the West line extended Northerly and along the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the South right-of-way line of Said Palo Parkway;

Thence N89°47'30"E, 332.93 feet along the South right-of-way line of said Palo Parkway to the West line of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence S00°04'56"E, 817.37 feet along the West line of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to a point from which the Southwest Corner of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 bears S00°04'56"E, 485.50 feet;

Thence N89°54'10"E, 139.35 feet;

Thence Southwesterly, 42.86 feet along the arc of a curve concave to the Northwest to a point of reverse curve, said arc having a radius of 90.00 feet, a central angle of 27°17'15", and being subtended by a chord that bears S09°58'14"W, 42.46 feet;

Thence Southwesterly, 37.22 feet along the arc of said reverse curve to a point tangent, said arc having a radius of 90.00 feet, a central angle of 23°41'48" and being subtended by a chord that bears S11°45'59"W, 36.96 feet;

Thence S00°04'56"E, 377.53 feet to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20;

Thence N89°54'10"E, 208.23 feet along the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 to the TRUE POINT OF BEGINNING.

Area = 416,325 square feet, more or less.

Legal Description prepared by:

Kent S. Albers

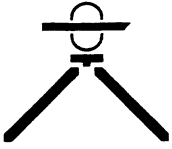
Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

(303) 442-4338

(K. Albers - S2550-10 - 5574L.KSA)



Drexel, Barrell & Co.

Exhibit A
(3345 Kalmia - LR-D Area)

Engineers/Surveyors

January 22, 2004

Boulder,
Colorado Springs,
Greeley

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

A description of that portion of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of the 6th P.M., to be zoned LR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, thence S89°54'10"E, 997.72 feet along the South line of the NW1/4 of the NE1/4 of said Section 20 to the Southwest Corner of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20; Thence N00°04'56"W, 30.00 feet along the West line of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 and the TRUE POINT OF BEGINNING.

Thence continuing N00°04'56"W, 455.50 feet along the West line of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence N89°54'10"E, 139.35 feet;

Thence Southwesterly, 42.86 feet along the arc of a curve concave to the Northwest to a point of reverse curve, said arc having a radius of 90.00 feet, a central angle of 27°17'15" and being subtended by a chord that bears S09°58'14"W, 42.46 feet;

Thence Southwesterly, 37.22 feet along the arc of said reverse curve to a point tangent, said arc having a radius of 90.00 feet, a central angle of 23°41'48" and being subtended by a chord that

(K. Albers - S2550-10 - 5576L.KSA)

bears S11°45'59"W, 36.96 feet;

Thence S00°04'56"E, 377.53 feet to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20;

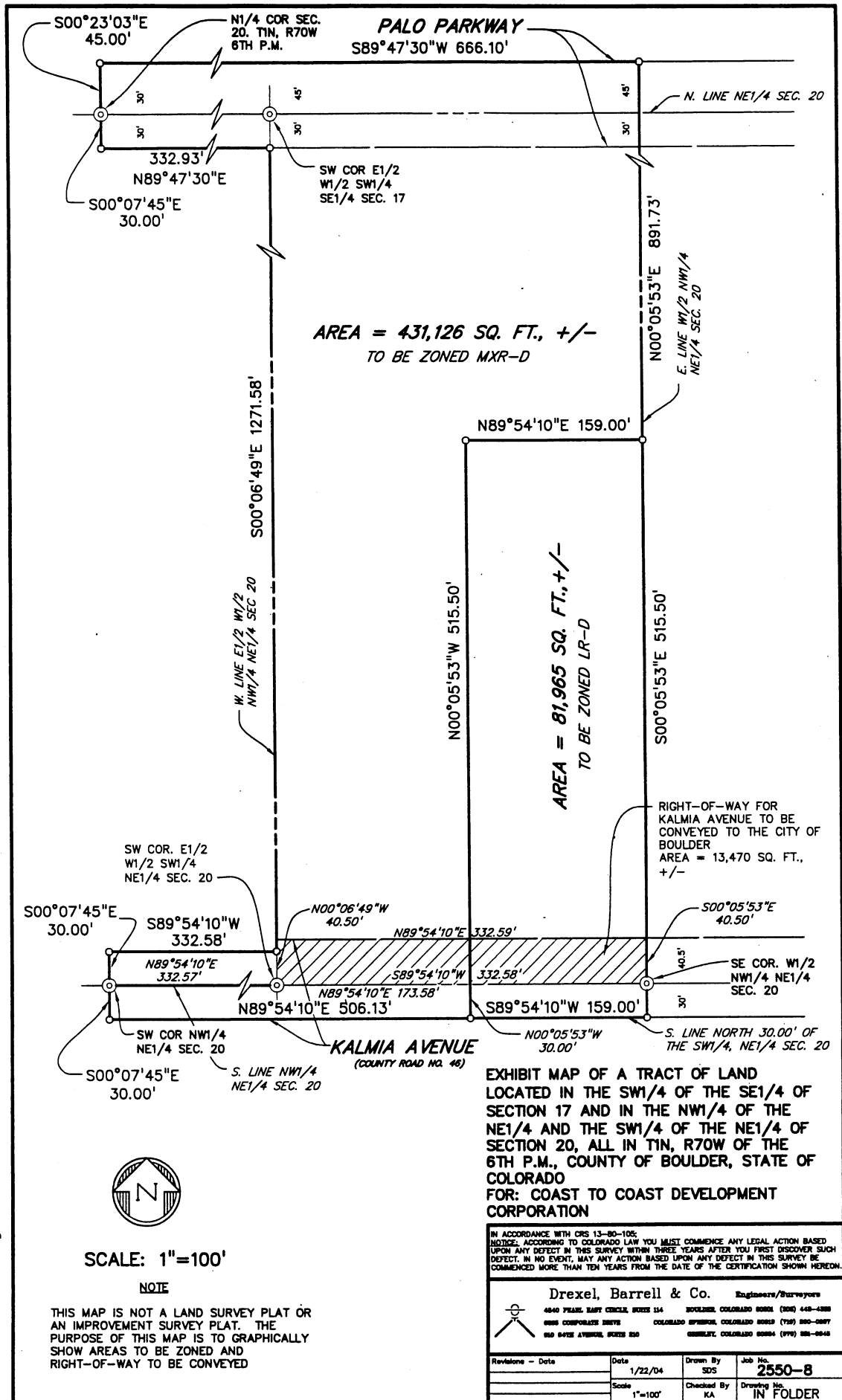
Thence S89°54'10"W, 124.35 feet along the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 to the TRUE POINT OF BEGINNING.

Area = 57,277 square feet, more or less.

Legal Description prepared by:
Kent S. Albers
Drexel, Barrell & Co.
4840 Pearl East Circle, Suite 114
Boulder, CO 80301-2475
(303) 442-4338

(K. Albers - S2550-10 - 5576L.KSA)

Exhibit D
 - (3035 Kalmia-Map) -



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ANNEXATION AGREEMENT

This Agreement, made this _____ day of _____, 2004, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and Norman W. and Alvera M. Vojta, hereinafter referred to as "Applicant:"

WITNESSETH:

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as "4195 - 47th Street" and more particularly described in Exhibit A, which real property shall hereinafter be referred to as the "Subject Property;" and

WHEREAS, the Applicants are interested in obtaining approval from the City of a request for the annexation of the Subject Property in order to provide adequate urban services, particularly City water and sewer; and

WHEREAS the parties anticipate that annexation with an initial zoning designation of Mixed Density Residential-Developing (MXR-D) is consistent with the Boulder Valley Comprehensive Plan; and

WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicants in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. Requirements Prior to First Reading of the Annexation Ordinance. Prior to first reading of the annexation ordinance, the Applicant shall:
 - a. Dedicate, in fee and at no cost to the City, an additional 10.5 feet as right-of-way abutting the Subject Property along the west side of 47th Street;
 - b. Pay the Storm Water and Flood Management Utility Plant Investment Fee (in accordance with Section 11-5-7 of the Boulder Revised Code, 1981) based on a lot area of 690,015 square feet and an impervious area of 15,000 square feet;
 - c. Pay the following water main utility assessment for 644 feet at \$17.15 per linear foot, 1100 feet at \$9.00 per linear foot, minus 150 feet at \$9.00 per linear foot, for a total of **\$19,594.60**;
 - d. Pay the following sanitary sewer main utility assessment for 644 feet at \$4.00 per linear foot , for a total of **\$2,576.00**;
 - e. Pay a Development Excise Tax (DET) based on the existing development on the property; and
 - f. Sell and convey, or execute an agreement to sell and convey, to the city any interests in water or water rights associated with, or appurtenant to the Subject Property including any and all interests in the Farmers Ditch Company.
 - g. File an application and pay the applicable fees for inclusion of the Subject Property in the Municipal Subdistrict of the Northern Colorado Water Conservancy District.
2. Requirements Prior to Second Reading of the Annexation Ordinance. Prior to second reading of the annexation ordinance, the Applicant shall dedicate, in fee and at no cost to Boulder County, a 40.5 feet of right-of-way, measured from the centerline of Jay Road along the northern boundary of the Property.

3. Affordable Housing. Covenants or deed restrictions to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permits. The Applicant agrees that no additional dwelling units shall be approved for any individual parcel unless the following requirements have been met. The following requirements shall apply to the Subject Property:
- a. Permanently Affordable – Low to Moderate Income. At least twenty-three percent (23%) of any new units permitted on site or as part of a unified development plan shall be permanently affordable consistent with Chapter 9-6.5, B.R.C. 1981;
 - i. At least seven percent (7%) of the total new units that are dedicated as permanently affordable consistent with Chapter 9-6.5, B.R.C. 1981, shall consist of single family attached or townhouse style dwelling units;
 - b. Permanently Affordable – Middle Income. At least twenty-two percent (22%) of any new units permitted on site shall be permanently affordable to middle income households consistent with the following requirements:
 - i. At least three percent (3%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of single family detached units. The maximum allowable prices for these single family detached units shall be based upon household incomes that are 40% greater than the HUD Low Income Limit for the City of Boulder;
 - ii. At least seventeen percent (17%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of single family attached or non-stacked dwelling units. The maximum allowable prices for these single family attached units shall be

based upon household incomes that are 37% greater than the HUD Low Income Limit for the City of Boulder;

- iii. No more than two percent (2%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of multi-family stacked units. The maximum allowable prices for these multi-family units shall be based upon household incomes that are 20% greater than the HUD Low Income Limit for the City of Boulder.
 - c. Prior Approval of Building Plans Required. Prior to application for a building permit for the permanently affordable units, the location, construction methods, floor plans, exterior elevations, fixtures, finish, and cabinetry must be approved by the City Manager in order to be accepted as permanently affordable units that meet the obligations set forth above.
 - d. Covenants and Deed Restrictions Required. Prior to application for a building permit for any new units, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable units. The covenants and deed restrictions shall include, without limitation, the initial sale price and the rate by which subsequent sale prices may increase as well as the income qualifications for the dwelling unit purchasers so as to guarantee the perpetual affordability of the units. The covenants and deed restrictions shall be recorded against the Subject Property and run with the land.
4. Phasing Plan. The City agrees to make available the following number and type of Residential Growth Management allocations:

	<u>Unrestricted</u>	<u>Permanently Affordable</u>
1 st 12 month period:	25	21
2 nd 12 month period:	25	21
3 rd 12 month period:	<u>25</u>	<u>20</u>
Total:	75	62

The first 12 month period shall commence on the first day that the first Residential Growth Management Allocation is issued. For purposes of Chapter 9-6, B.R.C. 1981, “Residential Growth Management System” each permanently affordable unit constructed as a result of this agreement shall be considered a “permanently affordable unit”.

Allocations available in a given 12 month period shall continue to be available in the following 12 month period, for a total phasing plan of up to 48 months. Any dwelling units which fail to commence construction during this 48 month period shall be subject to requesting allocations in accordance with Section 9-6-6, B.R.C. 1981.

5. Affordable Housing Requirements Limited to Property or Unified Development Plan. Any permanently affordable units produced under this agreement may not be used to satisfy other permanently affordable housing requirements located on property other than the Subject Property.
6. Disconnection of Septic Systems. Any existing structures requiring the use of a individual sewage disposal system shall be connected to the city’s existing wastewater main (in accordance with Section 11-2-8 of the Boulder Revised Code 1981) prior to any building permit application; upon any declaration by the Boulder County Health Department to cease and desist using the sewage system or other declaration that sewage system constitutes a threat to the public health; or within 180 days the City’s acceptance of a wastewater main capable of serving such structure whichever occurs first or the applicant shall demolish such structures. At the time of disconnection of the individual sewage system and connection to

the City's wastewater system, the applicant is required to abandon the existing septic system in accordance with Boulder County Health Department and State regulations.

7. New Construction: All new construction commenced on the Property after annexation, shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement
8. Public Improvements. Any public improvements, including without limitation water, sewer and transportation that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder Design and Construction Standards.
9. Conveyance of Drainage. The Applicant shall convey drainage from the site in a manner that does not adversely affect abutting property owners.
10. Dedication Requirements. The Applicants acknowledge that the dedications and public improvements required herein or as part of the associated site review that is being reviewed concurrently with this annexation and the subsequently required subdivision are rationally related and reasonably proportionate to the projected impact of the development of the Subject Property as set forth in this Agreement.
11. Waiver of Vested Rights: The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Agreement shall replace any such rights that may have arisen under Boulder County Jurisdiction.
12. Breach of this Agreement. In the event that the Applicants breach or fail to perform any required action under or fail to pay any fee specified under the Covenants of this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including, but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or fail to perform any affirmative obligation hereunder, the Applicants agree

that the City may collect the monies due in the manner provided in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicants, and collect its costs in the manner herein provided. The Applicants agree to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.

13. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Subject Property is not annexed to the City. The Applicant retains the right to abandon efforts to annex into the City of Boulder up to the final reading of the ordinance annexing the property into the City. In the event that the Applicant abandons its effort to annex into the City of Boulder, this agreement shall have no effect and will not be binding on either the Applicant or the City.
14. Binding Nature of this Agreement. The Agreement and covenants as set forth herein shall run with the land and shall be binding upon the Applicants, their heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Subject Property, or any part thereof. If it shall be determined that this Agreement creates an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus twenty years and three hundred and sixty-four days.

EXECUTED on the day and year first above written.

Owner:

Norman W. Vojta

Approved as to form:

C. J. GIL
City Attorney

Date: 1/22/04

ATTACHMENTS

Exhibit A: Legal Description

— Exhibit A 4195-47
(Vojta Property)

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE N1/2 OF THE NE1/4 OF THE SE1/4 OF SECTION 17, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 17, WHENCE THE CENTER OF SAID SECTION 17 BEARS S89°39'00"W, 2669.36 FEET; THENCE S00°15'30"E, 40.50 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 17; THENCE N89°39'00"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S00°15'30"E, 624.10 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF N. 47TH STREET (COUNTY ROAD NO. 53);

THENCE S89°41'07"W, 1165.95 FEET ALONG THE SOUTH LINE OF THE N1/2 OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 17 TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO GERALD E. COLCLASURE AND DELORIS M. COLCLASURE AS DESCRIBED IN WARRANTY DEED RECORDED ON FILM 533 AS RECEPTION NO. 782933 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE N00°19'17"W, 623.38 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 533 AS RECEPTION NO. 782933;

THENCE N89°39'00"E, 1166.63 FEET ALONG A LINE 40.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SE1/4 OF SAID SECTION 17 TO THE TRUE POINT OF BEGINNING.

AREA = 16.70 ACRES

LEGAL DESCRIPTION PREPARED BY: KENT S. ALBERS
DREXEL, BARRELL & CO.
4840 PEARL EAST CIRCLE, SUITE 114
BOULDER, COLORADO 80301-2475
303-442-4338

**ANNEXATION AGREEMENT
(First Amendment)**

THIS AGREEMENT, made this ____ day of _____, 2004, by and between the CITY OF BOULDER, a Colorado home rule city, (the "City"); and Calvary Bible Evangelical Free Church, (the "Applicant"):

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 3245 Kalmia Avenue and more particularly described in Exhibit A, included herein by this reference (the "Property");

WHEREAS, the Applicant is interested in obtaining approval from the City of an repeal and replacement to the annexation agreement, dated June 4, 2002 applicable to the Property, that was recorded on June 11, 2002 with the Boulder County Clerk and Recorder at reception no. 2296346 (the "Annexation Agreement")

WHEREAS, the numbering below is intended to correspond with the numbering used in the Annexation Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree to repeal and replace the Annexation Agreement as follow:

1. The parties agree to repeal and replace the definitions in Sub paragraph 1.f. and 1.g. of the Annexation Agreement. The parties agree that there are no changes to remainder of Paragraph 1 and therefore shall continue to be a part of the Annexation Agreement.

Definitions. The following terms, as used in the Annexation Agreement, are repealed and replaced by the following:

- f. "Religious Assembly Parcel" means that portion of the site, approximately 5.3 acres in size that is located on the southern part of parcel abutting Kalmia Avenue on the south that excludes the Residential Parcel and more particularly described in Exhibit B, together with any land that may be added adjacent to the east and west boundaries of the property as part of a unified development plan.
- g. "Residential Parcel" means that portion of the site, approximately 4.7 acres in size that is located on the northern edge of the parcel abutting Palo Parkway, and more particularly described in Exhibit B.

2. The parties agree that the conditions of paragraph 2.a. to 2.e., have been completed and therefore, mutually release each other from the same.
3. The parties agree that the conditions of paragraph 3.a. and 3.b., have been completed and therefore, mutually release each other from the same.
3. The parties agree that there are no changes to paragraphs 3.c., and therefore, shall continue to be a part of the Annexation Agreement.
- 4-5. The parties agree that there are no changes to paragraphs 4 and 5, and therefore, shall continue to be a part of the Annexation Agreement.
6. The parties agree to repeal and replace the language of Paragraph 6, to read:

Sewer Plant Investment Fees. If the property owner does elect to connect an existing structure to City sewer service by June 30, 2005, the plant investment fees, service and meter charges, and tap fees will be charged at the 1999 rate, which is the date of the start of the annexation procedure in the amount of \$7,457. All sewer connection fees shall be at the rates in affect at the time of connection. Connection to the sewer mains on or after January 1, 2004 will require payment of the then current plant investment fees, service charges, and tap fees.

- 7-8. The parties agree that there are no changes to paragraphs 7 and 8, and therefore, shall continue to be a part of the Annexation Agreement.
9. The parties agree that there are no changes to Subparagraphs 9.a., 9.b., 9.c, and 9.d., and therefore, shall continue to be a part of the Annexation Agreement. The Parties agree to repeal and replace Subparagraph 9.e., to read:

Major Expansion and Residential Parcel. Prior to application for any building permits for any Major Expansion, or development of the Residential Parcel, the Applicant shall:

- e. ...
Dedicate and construct a road that connects to the parcels to the east and west of the property as part of a unified development plan with the abutting properties or construct the Link Road, at no cost to the City.

10. The Parties agree to repeal and replace Paragraph 10., to read:

Transportation - Requirements for the Link Road. The purpose of the Link Road is to provide an opportunity for a street through the Property to connect the properties that about the Property's east and west property lines (the "neighboring properties").

- a. Construction and Reimbursement. The entire Link Road shall be constructed at the earlier of either development of the Residential Parcel

or a Major Expansion. The City will enter into a public improvement extension agreement that meets the requirements of Section 9-5-9(f), B.R.C. 1981 with the party that builds the Link Road and will collect one-half of the costs of construction from the party that subsequently develops its property and pay over the funds collected to the party that constructed the road. Collection, reimbursement, and repayment shall be triggered the later of either development of the Residential Parcel or a Major Expansion. This requirement may be replaced by the dedication and construction a road that connects to the parcels to the east and west of the Property as part of a unified development plan with the abutting properties.

- b. Vacation. In the event that the neighboring properties develop in a manner that does not require the construction of the Link Road or if the Link Road is replaced by another road that connects the parcels to the east and west of the Property as part of a unified development plan with the abutting properties, the City agrees the public purpose for this right-of-way will cease and that the City will vacate the Link Road Right-of-Way, in accordance with § 43-12-301, *et seq.* C.R.S. The parties agree that such determination shall only be made after public infrastructure is built and accepted on the Residential Parcel, neighboring properties or concurrent with a subdivision of the property pursuant to Section 9-5-9, "Subdivisions," B.R.C. 1981.

11-12. The parties agree that there are no changes to paragraphs 11 and 12 and therefore shall continue to be a part of the Annexation Agreement.

13. The Parties agree to repeal and replace Paragraph 13, to read:

Fire Protection. In order to insure adequate emergency response and fire protection, prior to the earlier of 30 months after water connection, development on the Residential Parcel, or Major Expansion, the Applicant shall either:

- a. Construct a looped water system with multiple hydrants on the property or on an adjacent property with access to the church, that meets the Standards of the City of Boulder Design and Construction Standards and the City of Boulder Fire Prevention Code and construct a secondary access road, in a dedicated 20-foot wide emergency access easement, with a minimum 12-foot wide paved surface, that complies with City of Boulder Design and Construction Standards, for emergency vehicles that at a minimum, that connects Kalmia Avenue to Palo Parkway; or
- b. If either the additional fire hydrants and the fire lane are not provided, install a fire sprinkler system for the entire building, meeting the requirements of the City of Boulder Fire Prevention Code for sprinkler systems. The Applicant shall submit plans as part of a Technical

Document Review showing that the Property meets all secondary emergency access and fire hydrant design and construction standards for the entire Property prior to the application for any building permits for any Major Expansion or development on the Residential Parcel.

14-19. The parties agree that there are no changes to paragraphs 14 to 19 and therefore shall continue to be a part of the Annexation Agreement.

20. The Parties agree to repeal and replace Paragraph 20, to read:

Land Use - Residential. The Applicant shall use the Residential Parcel for residential land uses. The Applicant agrees to redevelop the property, to the extent practical, to create the maximum number of dwelling units that the zoning will allow.

21. The Parties agree that paragraph 21 is not applicable to the unified plan for housing development, and delete the same, effective upon the rezoning of the Residential Parcel to Mixed Density Residential – Developing (MXR-D).

22. The Parties agree to repeal and replace Paragraph 22, effective upon the rezoning of the Residential Parcel to Mixed Density Residential – Developing (MXR-D), to read:

Affordable Housing. Covenants or deed restrictions to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permits. The Applicant agrees that no additional dwelling units shall be approved for any individual parcel unless the following requirements have been met. The following requirements shall apply to the Properties:

a. Permanently Affordable – Low to Moderate Income. At least twenty-three percent (23%) of any new units permitted on site or as part of a unified development plan shall be permanently affordable consistent with Chapter 9-6.5 B.R.C., 1981;

i. At least seven percent (7%) of the total new units that are dedicated as permanently affordable consistent with Chapter 9 6.5 B.R.C., 1981, shall consist of single family attached or townhouse style dwelling units;

b. Permanently Affordable – Middle Income. At least twenty-two percent (22%) of any new units permitted on site shall be permanently affordable to middle income households consistent with the following requirements:

ii. At least three percent (3%) of the total new units in the development that are dedicated as permanently affordable middle

income units shall consist of single family detached units. The maximum allowable prices for these single family detached units shall be based upon household incomes that are 40% greater than the HUD Low Income Limit for the City of Boulder;

iii. At least seventeen percent (17%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of single family attached or non-stacked dwelling units. The maximum allowable prices for these single family attached units shall be based upon household incomes that are 37% greater than the HUD Low Income Limit for the City of Boulder;

iv. No more than two percent (2%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of multi-family stacked units. The maximum allowable prices for these multi-family units shall be based upon household incomes that are 20% greater than the HUD Low Income Limit for the City of Boulder.

c. Prior Approval of Building Plans Required. Prior to application for a building permit for the permanently affordable units, the location, construction methods, floor plans, exterior elevations, fixtures, finish, and cabinetry must be approved by the City Manager in order to be accepted as permanently affordable units that meet the obligations set forth above.

d. Covenants and Deed Restrictions Required. Prior to application for a building permit for any new units, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable units. The covenants and deed restrictions shall include, without limitation, the initial sale price and the rate by which subsequent sale prices may increase as well as the income qualifications for the dwelling unit purchasers so as to guarantee the perpetual affordability of the units. The covenants and deed restrictions shall be recorded against the Properties and run with the land.

22-28. The parties agree that there are no changes to paragraphs 22 to 28 and therefore shall continue to be a part of the Annexation Agreement.

EXECUTED on the day and year first above written.

OWNER:
Calvary Bible Evangelical Free Church

BY: _____
Del Elliott, Chairman of the Elder
Board

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2004, by Del Elliott, Chairman of the Elder Board for Calvary Bible Evangelical Free
Church.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: _____.

Notary Public

BY: _____
Patrick Flaherty
Business Administrator

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2004, by Patrick Flaherty, Business Administrator for Calvary Bible Evangelical Free
Church.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: _____.

Notary Public


CITY OF BOULDER, COLORADO

BY: _____
Frank Bruno, City Manager

ATTEST:

City Clerk on behalf of the
Director of Finance and Record

APPROVED AS TO FORM:



City Attorney 1-22-04

ATTACHMENTS

Exhibit A: Legal Description

Exhibit B: Legal Description of the Residential Parcel

EXHIBIT A
TO CALVARY BIBLE CHURCH ANNEXATION AGREEMENT

LEGAL DESCRIPTION OF THE PROPERTY GENERALLY DESCRIBED AS
3245 KALMIA AVENUE AND MORE PARTICULARLY DESCRIBED BELOW

A PARCEL OF LAND LOCATED IN THE NE1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, FOR ANNEXATION NO. 3.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NE1/4 OF SECTION 20, T1N R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 20; THENCE S00°04'00"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S89°54'10"W, 665.15 FEET ALONG THE SOUTH RIGHT-OF-WAY OF KALMIA AVENUE;

THENCE N00°05'50"W, 1332.23 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NE1/4 OF SAID SECTION 20;

THENCE N89°47'34"E, 332.93 FEET ALONG THE SOUTH RIGHT-OF-WAY OF PALO PARKWAY;

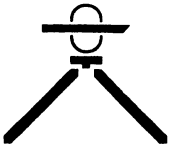
THENCE S00°04'56"E, 1272.87 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 20;

THENCE N89°54'10"E, 332.58 FEET ALONG THE NORTH RIGHT-OF-WAY OF KALMIA AVENUE;

THENCE S87°17'47"W, 659.67 FEET

THENCE S87°29'26"E, 659.64 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 10.18 ACRES ±



Drexel, Barrell & Co.

— *Exhibit B* —
(*Exhibit*)

Engineers/Surveyors

Boulder,
Colorado Springs,
Greeley

November 19, 2003

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

A description of that portion of the Calvary Bible Church to be rezoned to MXR-D, for Coast to Coast Development.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A portion of W1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, thence N89°54'10"E, 665.15 feet along the South line of the NW1/4 of the NE1/4 of said Section 20 to the Southwest Corner of the E1/2 of the NW1/4 of the NE1/4 of said Section 20; thence N00°05'53"W, 690.05 feet along the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the TRUE POINT OF BEGINNING;

Thence continuing N00°05'53"W, 612.18 feet along the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the Southwest Corner of that tract of land conveyed to the County of Boulder as described in Special Warranty Deed recorded on Film 1297 as Reception No. 614470 of the records of Boulder County, Colorado;

Thence N89°47'30"E, 332.93 feet along the South line of that tract of land as described on said Film 1297 as Reception No. 614470 to the East line of the W1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence S00°04'56"E, 612.83 feet along the East line of the W1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to a point

(K. Albers - S2550-8 - 5567L.KSA)

from which the True Point of Beginning bears S89°54'10"W;

Thence S89°54'10"W, 332.76 feet to the TRUE POINT OF BEGINNING.

Area = 4.680 acres (203,870 square feet), more or less.

Legal Description prepared by:

Kent S. Albers

Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

(303) 442-4338

ATTACHMENT E

RESOLUTION NO. _____

A RESOLUTION TO DETERMINE THAT THE PETITION TO ANNEX APPROXIMATELY 22.652 ACRES OF LAND GENERALLY LOCATED AT 3035 & 3345 KALMIA, IS IN COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND TO SET A HEARING TO DETERMINE COMPLIANCE WITH OTHER STATUTORY ANNEXATION REQUIREMENTS.

WHEREAS, the City Council of the City of Boulder, Colorado, hereby finds that the Petition to Annex the property more particularly described in Exhibit A, attached hereto and incorporated herein by reference, is in compliance with subsection 31-12-107(1), C.R.S., as amended;

WHEREAS, the City Council of the City of Boulder, Colorado, finds that the following requirements have been met:

- a. Landowners of more than fifty percent of the area, excluding public streets and alleys, meeting the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, have petitioned the City of Boulder for annexation of such territory;
- b. The Petition has been filed with the City Clerk;
- c. The Petition alleges it is desirable and necessary that such area be annexed to the City of Boulder;
- d. The Petition alleges that the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met;
- e. The Petition contains a request that the City of Boulder approve the annexation of the area proposed to be annexed;
- f. The Petition alleges that signers of the Petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
- g. The Petition contains signatures of such landowners;
- h. The Petition contains the mailing address of each signer;
- i. The Petition contains the legal description of the land owned by each signer;
- j. The Petition contains the date of signing of each signature;

- k. The Petition contains the affidavit of each circulator of such Petition, that each signature therein is the signature of the person whose name it purports to be; and

WHEREAS, four copies of an annexation map accompanied the Petition and contained the following information:

- a. A written legal description of the boundaries of the area proposed to be annexed;
- b. A map showing the boundary of the area proposed to be annexed;
- c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
- d. A drawing of the contiguous boundary of the City of Boulder next to the boundary of the area proposed to be annexed and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

WHEREAS, all signatures on the Petition have been dated no more than one hundred eighty days prior to the date of filing the Petition with the City Clerk;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

A hearing will be held to determine whether the requirements delineated in Sections 31-12-104 and 31-12-105, C.R.S., as amended, have been met and whether an election is required under subsection 31-12-107(2), C.R.S. The hearing will be held at 6 p.m. on March 16, 2004, at 1777 Broadway, Boulder, Colorado.

INTRODUCED, READ, PASSED, AND ADOPTED this 3rd day of February, 2004

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

s:\plan\cc-items\res\ddnorthfield.res

RESOLUTION NO. _____

A RESOLUTION TO DETERMINE THAT THE PETITION TO ANNEX APPROXIMATELY 16.70 ACRES OF LAND GENERALLY LOCATED AT 4195 47th STREET IS IN COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND TO SET A HEARING TO DETERMINE COMPLIANCE WITH OTHER STATUTORY ANNEXATION REQUIREMENTS.

WHEREAS, the City Council of the City of Boulder, Colorado, hereby finds that the Petition to Annex the property more particularly described in Exhibit A, attached hereto and incorporated herein by reference, is in compliance with subsection 31-12-107(1), C.R.S., as amended;

WHEREAS, the City Council of the City of Boulder, Colorado, finds that the following requirements have been met:

- a. Landowners of more than fifty percent of the area, excluding public streets and alleys, meeting the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, have petitioned the City of Boulder for annexation of such territory;
- b. The Petition has been filed with the City Clerk;
- c. The Petition alleges it is desirable and necessary that such area be annexed to the City of Boulder;
- d. The Petition alleges that the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met;
- e. The Petition contains a request that the City of Boulder approve the annexation of the area proposed to be annexed;
- f. The Petition alleges that signers of the Petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
- g. The Petition contains signatures of such landowners;
- h. The Petition contains the mailing address of each signer;
- i. The Petition contains the legal description of the land owned by each signer;
- j. The Petition contains the date of signing of each signature;

- k. The Petition contains the affidavit of each circulator of such Petition, that each signature therein is the signature of the person whose name it purports to be; and

WHEREAS, four copies of an annexation map accompanied the Petition and contained the following information:

- a. A written legal description of the boundaries of the area proposed to be annexed;
- b. A map showing the boundary of the area proposed to be annexed;
- c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
- d. A drawing of the contiguous boundary of the City of Boulder next to the boundary of the area proposed to be annexed and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

WHEREAS, all signatures on the Petition have been dated no more than one hundred eighty days prior to the date of filing the Petition with the City Clerk;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

A hearing will be held to determine whether the requirements delineated in Sections 31-12-104 and 31-12-105, C.R.S., as amended, have been met and whether an election is required under subsection 31-12-107(2), C.R.S. The hearing will be held at 6 p.m. on March 16, 2004, at 1777 Broadway, Boulder, Colorado.

INTRODUCED, READ, PASSED, AND ADOPTED this 3rd day of February, 2004

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

ATTACHMENT F

BACKGROUND

The Boulder Valley Comprehensive Plan (BVCP)

These two areas are located in Area II of the Boulder Valley Comprehensive Plan, the city's service area, and have been planned for annexation to the city for several decades. They are on the edge of the city's service area and are designated on the comprehensive plan for residential development. The proposed densities are consistent with the comprehensive plan designations for the site.

All of the properties included in this proposed development, except for the Calvary Bible Church which is annexed, are located in Area II of the Boulder Valley Comprehensive Plan, the area in which annexation to the city may be considered. Five acres of the Vojta Farms (formerly known as Northfield Meadows) property at the southwest corner of Jay and 47th Street are designated medium density residential in the BVCP and the remaining 12.3 acres are designated low density residential. Eleven acres of the Northfield Commons property located between Kalmia and Palo Parkway, and east of 30th Street, are designated medium density residential and the remaining 18.85 acres are designated low density residential (*see map at the end of this Attachment F*).

The appropriate density and land use designations in the BVCP for properties in this area have been a subject of discussion and deliberation through the past several BVCP updates. Prior to the year 2000, all of these properties were designated low density residential. As part of the Year 2000 Major Update, several properties were proposed for density increases from low density residential (two to six gross units per acre) to medium (six to fourteen gross units per acre) and mixed density residential (up to twenty gross units per acre). Five acres at the southwest corner of Jay Rd. & 47th St. were changed to medium density residential. At that time, Planning Board members did not approve the proposed land use map change to medium density residential for several of the parcels south of Palo Parkway. They indicated that unless the landowners apply collectively for annexation, higher densities on the parcels would not work within the context of the neighborhood. They did, however, state that higher densities should be considered at the time of annexation if the landowners apply as a group and if the potential impacts can be mitigated.

In 2001 and 2002, the city and the landowners jointly sponsored a planning study of the area (see below). Based on the outcome of that planning process, the landowners submitted a concept plan that was reviewed by the Planning Board in September 2002. Then in the fall of 2002, the landowners applied for a BVCP land use designation change as part of the 2002/2003 Annual Review of the BVCP, to change a portion of the properties south of Palo Parkway (Northfield Commons) from low to medium density residential. The result of the BVCP Annual Review was that eleven acres were approved for a land use designation change from low density residential to medium density residential to ensure a mixture of housing types, provide compatibility with adjacent land uses, and to provide for a significant amount of affordable housing.

Jay/47th/Kalmia Planning Process

The city convened a planning process from November 2001 to March 2002 to solicit public input in developing several alternative conceptual plans for the development of the vacant properties in this area. The city and landowners jointly hired Studio 2 Design, a planning firm, to develop alternative conceptual plans to address the concerns and objectives of the city, landowners, and neighborhood. The intent was to provide the opportunity for neighborhood input prior to the development and submittal of plans for the property by the landowners. Three alternative plans were developed for each of the two sites. In addition, the neighborhood developed a plan for the properties north of Kalmia.

Studio 2 Design, with assistance from city staff, prepared a report that summarized the process and alternatives. The Planning Board discussed the report and provided direction at the March 21, 2002 meeting. The purpose of that meeting was to seek direction from the Planning Board that would assist the property owners in preparing a concept plan application to the city. The Board was asked to respond to the following four questions:

1. Which of the options provide the best opportunity for balancing the goals of: a diverse mix of housing types, compatibility with the surrounding neighborhood, and significant amount of permanently affordable housing?

Board comments: 47th and Jay – the board generally supported the mix of unit types and density of Option B, which had a gross density of 8.5 dwelling units per acre, and did not support additional land use map changes for this site.

Kalmia properties – the board generally supported the density in Option B, which had a gross density of 8.2 units per acre, and indicated support for a land use map change to support a moderate increase in density.

2. What are the priorities for community benefit from these annexations? In particular, how should the desire for more park land be balanced with the desire for a significant amount of permanently affordable housing?

Board comments: Affordable housing should be the priority for community benefit

3. How important are the street connections to Jay Road and St. Petersburg?

Board comments: Did not support the connection to St. Petersburg. Board members had varying opinions on the need for the Jay Road connection, and several felt that more information was needed.

4. Is it appropriate to pursue a Comprehensive Plan Land Use Map change for any of the properties?

Board comments: Did not support land use map changes for Jay and 47th, but supported a moderate increase in density for the Kalmia properties.

Following the March 21, 2002 Planning Process Planning Board meeting, the following occurred:

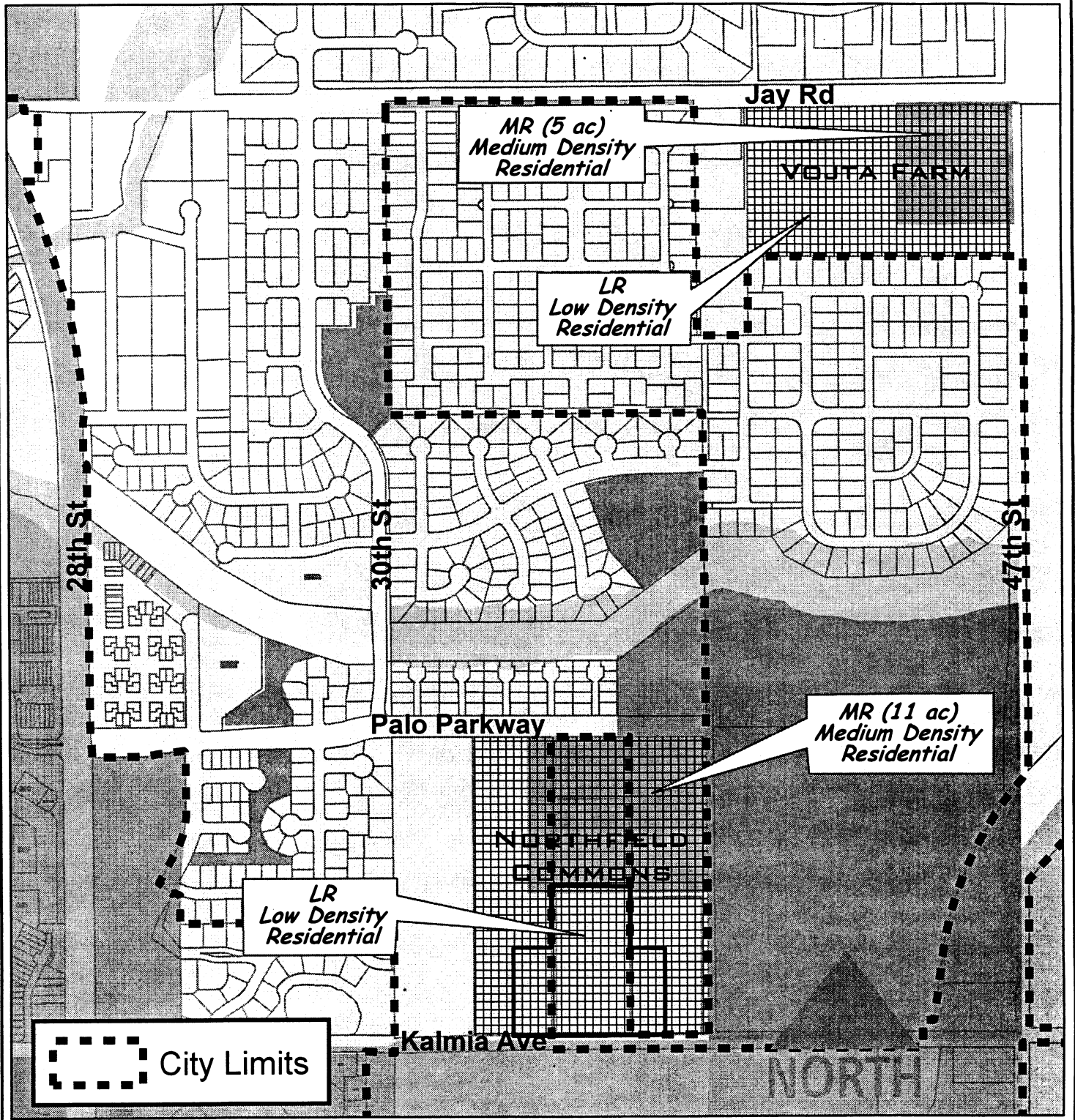
1. The Calvary Bible Church annexed to the city and zoned LR-D (Low Density Residential-Developing). The city agreed to annex the church and extend water service prior to completing the planning and annexation of the adjacent parcels to solve the church's lack of a reliable water supply. At the time of annexation, the city expected that a portion of the property would subsequently be rezoned depending on the outcome of the joint planning efforts with adjacent property owners. Subsequent to the annexation, the church and the adjacent property owners, with the city's encouragement, negotiated an agreement for a land swap that reconfigures the church along the Kalmia frontage and creates the opportunity for a more cohesive neighborhood development pattern. This requires a rezoning of a portion of the church property to Mixed Density Residential-Developing (MXR-D) to achieve densities consistent with the BVCP designation on the site.
2. A concept plan was submitted by the owners of the properties and reviewed by the Planning Board in September 2002 (see below). Many of the basic design ideas in the concept plan were based on the outcome of the planning process.
3. A BVCP Land Use designation change was applied for and approved in May 2003, changing 11 acres of the Northfield Commons site to Medium Density Residential from Low Density Residential (see above).

Concept Plan Review and Comment

In June 2002, the applicants applied for a Concept Plan Review and Comment for two sites, including 147 units at the southwest corner of 47th and Jay (Northfield Meadows, now known as Vojta Farms) totaling approximately 17.3 acres, and 190 units on the three properties consisting of the Calvary Bible Church property, and the parcels on each side of the church, totaling approximately 30 acres (Northfield Commons).

The Concept Plan was reviewed by staff, and then Planning Board at its September 5, 2002 meeting. The purpose of the Concept Plan Review and Comment is to determine the general characteristics of a development plan for the site and to ascertain the requirements of the city. The Board was asked to comment on the following aspects of the plan: density, mix of units, and affordability of housing; the size and configuration of lots; private park space; and the network of streets and alleys, and access to Jay Road. Based upon the review comments of Planning Board related to the density proposed, the applicant pursued and gained approval of a change to the BVCP in May of 2003 on 11 acres of the Northfield Commons site from medium density residential to mixed density residential as noted above.

BVCP Land Use Designation Map



ATTACHMENT G

ORDINANCE NO. _____

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 22.652 ACRES OF LAND GENERALLY LOCATED AT 3035 & 3345 KALMIA, WITH AN INITIAL ZONING CLASSIFICATION OF MXR-D AND LR-D AS DESCRIBED IN CHAPTER 9-2, BOULDER REVISED CODE, 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; AND SETTING FORTH DETAILS IN RELATION HERETO.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS:

THAT Michael Markel, Gary Calderon, J. Kirk Hendricks, and Kalmia 10 Acre Partnership Ltd., are the owners of the parcel which comprises the real property more particularly described in Exhibit "A"; and,

THAT the owners of 100% of the area proposed for annexation, including streets and alleys, have been petitioned for annexation of, and zoning designation of MXR-D (Mixed Density Residential-Developing) LR-D (Low Density Residential-Developing) and the said property is not embraced within any city, city and county, or incorporated town, and that the said property abuts upon, and is contiguous to, the City of Boulder by at least one-sixth of its perimeter; and,

THAT a community of interest exists between the property proposed for annexation and the City of Boulder, the said property is urban or will be urbanized in the near future, and the said property is capable of being integrated into the City of Boulder; and,

THAT the subject does not include any area included in another annexation proceeding involving a city other than the City of Boulder; and,

THAT this annexation will not result in the detachment of the area from one school district and the attachment of same to another school district; and,

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THAT this annexation will not have the effect of extending the City of Boulder's boundaries any further than three miles from any point of the existing City boundaries; and,

THAT the subject property does not include any area which is the same or substantially the same area in which an election for the annexation to the City was held within twelve months preceding the filing of the above Petition; and,

THAT the Planning Board duly proposed that the subject property be annexed to the City of Boulder and that the zoning district map adopted by the City Council be amended to zone and include portions of the subject property in the MXR-D and LR-D zoning district, as provided in Chapter 9-2, Boulder Revised Code, 1981; and,

THAT a public hearing on the proposed annexation and zoning of the property annexed and zoned hereby was duly held before the City Council on March 16, 2004; and,

THAT the zoning of the subject property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the subject property and of the residents of the City of Boulder; and,

THAT the City Council has jurisdiction and the legal authority to annex and zone the subject property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

Section 1. The territory more particularly described in Exhibit "A" be, and the same hereby is, annexed to and included within the corporate boundaries of the City of Boulder.

Section 2. Chapter 9-2, Boulder Revised Code, 1981, and the zoning district map forming a part thereof, be, and the same hereby are, amended to include the subject property within the MXR-D (Mixed Density Residential-Developing) & the LR-D (Low Density Residential-Developing) zoning districts as described in "B".

Section 3. The annexation and zoning of the subject property is necessary for the protection of the public health, safety, and welfare.

Section 4. The City Council deems it appropriate that this ordinance be published by title only and directs the City Clerk to make available in his office copies of the text of the within ordinance for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
ONLY this 3rd day of February, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AND PASSED, ADOPTED AND ORDERED
PUBLISHED BY TITLE ONLY this 16th day of March, 2004.

Mayor

Attest:

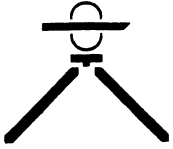
City Clerk on behalf of the
Director of Finance and Record

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ATTACHMENTS

Exhibit A: Legal Description

Exhibit B: Zoning Map



Drexel, Barrell & Co.

Exhibit A
-(3035 Talmia-MXR-Dana)

Engineers/Surveyors

January 22, 2004

**Boulder,
Colorado Springs,
Greeley**

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

That portion of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of the 6th P.M., to be zoned MXR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the W1/2 of the NW1/4 of the NE1/4 and in the W1/2 of the SW1/4 of the NE1/4 of Section 20, and in the SE1/4 of Section 17, all in T1N, R70W of 6th P.M., County of Boulder, State of Colorado, described as follows:

BEGINNING at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, S00°07'45"E, 30.00 feet along the West line of the SW1/4 of the NE1/4 of said Section 20 to the South line of the North 30.00 feet of the SW1/4 of the NW1/4 of said Section 20;

Thence N89°54'10"E, 506.13 feet along the South line of the Northerly 30.00 feet of the SW1/4 of the NE1/4 of said Section 20;

Thence N00°05'53"W, 515.50 feet;

Thence N89°54'10"E, 159.00 feet to the East line of the W1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence N00°05'53"E, 891.73 feet along the East line and along the East line extended Northerly of the W1/2 of the NW1/4 of the NE1/4 of said Section 20 to the North right-of-way line of Palo Parkway in PALO PARK FILING NO. 4 as recorded in Plan File P-15, F-3, No. 4 of the records of Boulder County, Colorado;

Thence S89°47'30"W, 666.10 feet along the North right-of-way line of said Palo Parkway to the West line of the SE1/4 of said Section 17;

(K. Albers - S2550-8 - 5573L.KSA)

Thence S00°23'03"E, 45.00 feet along the West line of the SE1/4 of said Section 17 to the Southwest Corner thereof;

Thence S00°07'45"E, 30.00 feet along the West line of the NE1/4 of said Section 20 to the South line of the North 30.00 feet of the NE1/4 of said Section 20.

Thence N89°47'30"E, 332.93 feet along the South line of the North 30.00 feet of the NE1/4 of said Section 20 to the West line of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 20.

Thence S00°06'49"E, 1271.58 feet along the West line of the E1/2 of the W1/2 of the NE1/4 of the NE1/4 of said Section 20 to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20;

Thence S89°54'10"W, 332.58 feet along the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 to the West line of the NE1/4 of said Section 20;

Thence S00°07'45"E, 30.00 feet along the West line of the NE1/4 of said Section 20 to the POINT OF BEGINNING.

Area = 431,126 square feet, more or less.

Legal Description prepared by:

Kent S. Albers

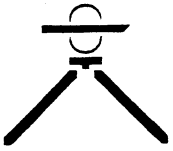
Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

(303) 442-4338

(K. Albers - S2550-8 - 5573L.KSA)



Drexel, Barrell & Co.

Exhibit A
(3035 Kalmia - LR-D area) -

Engineers/Surveyors

January 22, 2004

Boulder,
Colorado Springs.
Greeley

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

A description of that portion of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 and the E1/2 of the W1/2 of the SW1/4 of the NE1/4 of Section 20, to be zoned LR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the E1/2 of the W1/2 of the NW1/4 of the NE1/4 and in the E1/2 of the W1/2 of the SW1/4 of the NE1/4, all in Section 20, T1N, R70W of 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, thence S00°07'45"E, 30.00 feet along the West line of the NE1/4 of said Section 20 to the South line of North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20; Thence N89°54'10"E, 506.13 feet along the South line of the North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20 and the TRUE POINT OF BEGINNING;

Thence N00°05'53"W, 515.50 feet;

Thence N89°54'10"E, 159.00 feet to the East line of the W1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence S00°05'53"E, 515.50 feet along the East line of the W1/2 of the NW1/4 of the NE1/4 and along the East line of the W1/2 of the SW1/4 of the NE1/4 of said Section 20 to the South line of the North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20;

Thence S89°54'10"W, 159.00 feet along the South line of the North 30.00 feet of the SW1/4 of the NE1/4 of said Section 20 to the TRUE

(K. Albers - S2550-8 - 5575L.KSA)

POINT OF BEGINNING;

Area = 81,965 square feet, more or less.

Legal Description prepared by:

Kent S. Albers

Drexel, Barrell & Co.

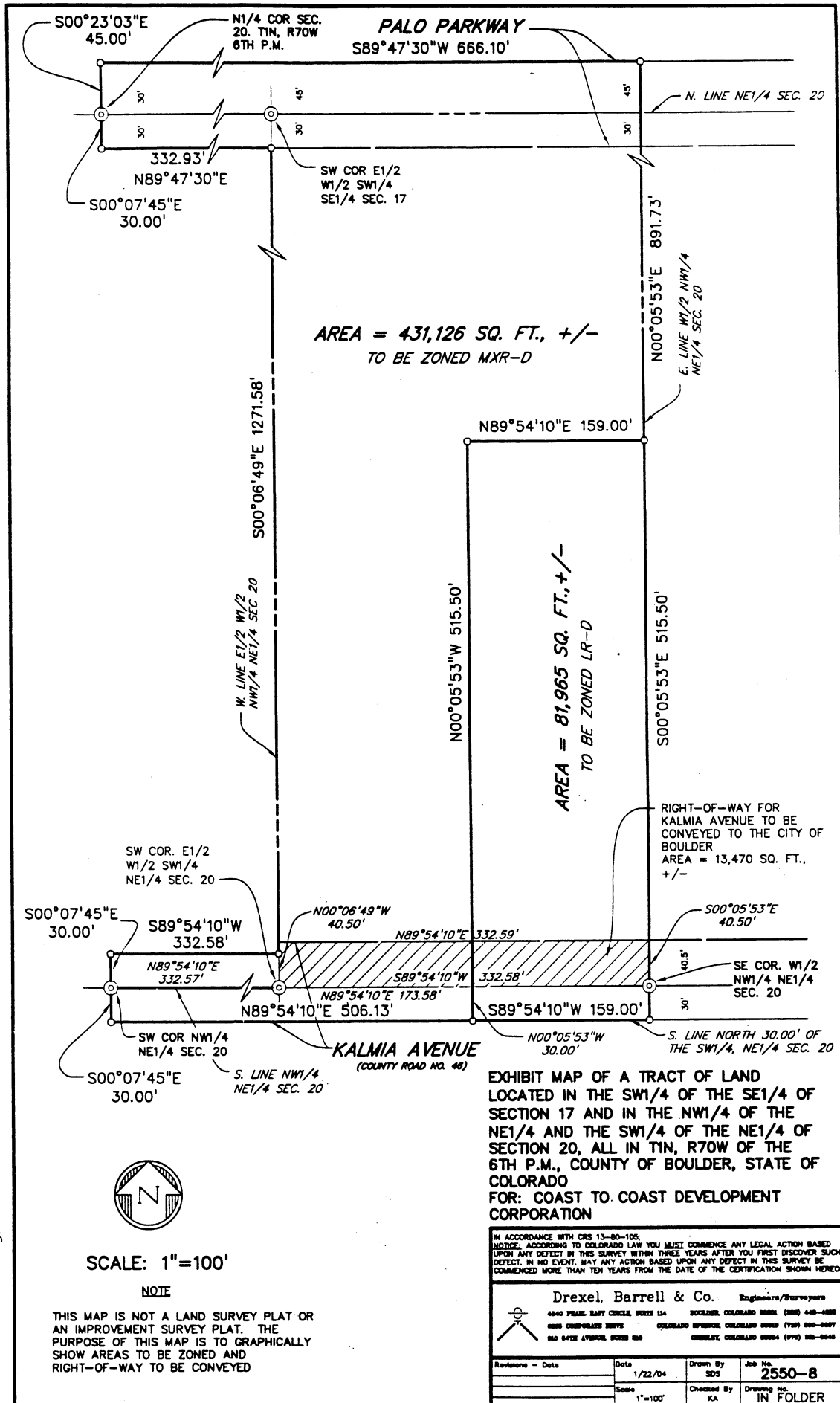
4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

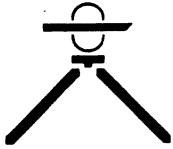
(303) 442-4338

Exhibit B.

UPPER L
- (3035 Kalmia-Map) -



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Drexel, Barrell & Co.

Exhibit A
(345 Talmia-MXR-D Area)

Engineers/Surveyors

January 22, 2004

Boulder,
Colorado Springs,
Greeley

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

All that portion of the E1/2 of the SW1/4 of the SE1/4 of Section 17 and the E1/2 of the NW1/4 of the NE1/4 of Section 20, all in T1N, R70W of the 6th P.M., to be zoned MXR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the E1/2 of the SW1/4 of the SE1/4 of Section 17 and in the E1/2 of the NW1/4 of the NE1/4 and in the E1/2 of the SW1/4 of the NE1/4 of Section 20, all in the T1N, R70W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southeast Corner of the NW1/4 of the NE1/4 of said Section 20, from which the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20 bears S89°54'10"W, thence N00°04'00"W, 30.00 feet along the East line of the NW1/4 of the NE1/4 of said Section 20 to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 and the TRUE POINT OF BEGINNING;

Thence continuing N00°04'00"W, 1303.52 feet along the East line of the NW1/4 of the SW1/4 of said Section 20 to the Northeast Corner thereof;

Thence N00°19'15"W, 45.00 feet along the East line of the SW1/2 of the SE1/4 of said Section 17 to the North right-of-way line of Palo Parkway in PALO PARK FILING NO. 4 as record in Plan File P-15, F-3, No. 4 of the records of Boulder, County, Colorado;

Thence S89°47'30"W, 665.70 feet along the North right-of-way line of said Palo Parkway to the West line extended Northerly of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

(K. Albers - S2550-10 - 5574L.KSA)

Thence S00°05'53"E, 75.00 feet along the West line extended Northerly and along the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the South right-of-way line of Said Palo Parkway;

Thence N89°47'30"E, 332.93 feet along the South right-of-way line of said Palo Parkway to the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence S00°04'56"E, 817.37 feet along the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to a point from which the Southwest Corner of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 bears S00°04'56"E, 485.50 feet;

Thence N89°54'10"E, 139.35 feet;

Thence Southwesterly, 42.86 feet along the arc of a curve concave to the Northwest to a point of reverse curve, said arc having a radius of 90.00 feet, a central angle of 27°17'15", and being subtended by a chord that bears S09°58'14"W, 42.46 feet;

Thence Southwesterly, 37.22 feet along the arc of said reverse curve to a point tangent, said arc having a radius of 90.00 feet, a central angle of 23°41'48" and being subtended by a chord that bears S11°45'59"W, 36.96 feet;

Thence S00°04'56"E, 377.53 feet to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20;

Thence N89°54'10"E, 208.23 feet along the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 to the TRUE POINT OF BEGINNING.

Area = 416,325 square feet, more or less.

Legal Description prepared by:

Kent S. Albers

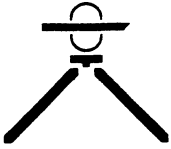
Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

(303) 442-4338

(K. Albers - S2550-10 - 5574L.KSA)



Drexel, Barrell & Co.

Exhibit A
[3345 Kalmia-LR-D Area]

Engineers/Surveyors

January 22, 2004

**Boulder,
Colorado Springs,
Greeley**

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

A description of that portion of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of the 6th P.M., to be zoned LR-D, for Coast to Coast Development Corporation. This description revises the one dated December 15, 2003.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, thence S89°54'10"E, 997.72 feet along the South line of the NW1/4 of the NE1/4 of said Section 20 to the Southwest Corner of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20; Thence N00°04'56"W, 30.00 feet along the West line of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 and the TRUE POINT OF BEGINNING.

Thence continuing N00°04'56"W, 455.50 feet along the West line of the E1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence N89°54'10"E, 139.35 feet;

Thence Southwesterly, 42.86 feet along the arc of a curve concave to the Northwest to a point of reverse curve, said arc having a radius of 90.00 feet, a central angle of 27°17'15" and being subtended by a chord that bears S09°58'14"W, 42.46 feet;

Thence Southwesterly, 37.22 feet along the arc of said reverse curve to a point tangent, said arc having a radius of 90.00 feet, a central angle of 23°41'48" and being subtended by a chord that

(K. Albers - S2550-10 - 5576L.KSA)

bears S11°45'59"W, 36.96 feet;

Thence S00°04'56"E, 377.53 feet to the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20;

Thence S89°54'10"W, 124.35 feet along the North line of the South 30.00 feet of the NW1/4 of the NE1/4 of said Section 20 to the TRUE POINT OF BEGINNING.

Area = 57,277 square feet, more or less.

Legal Description prepared by:

Kent S. Albers

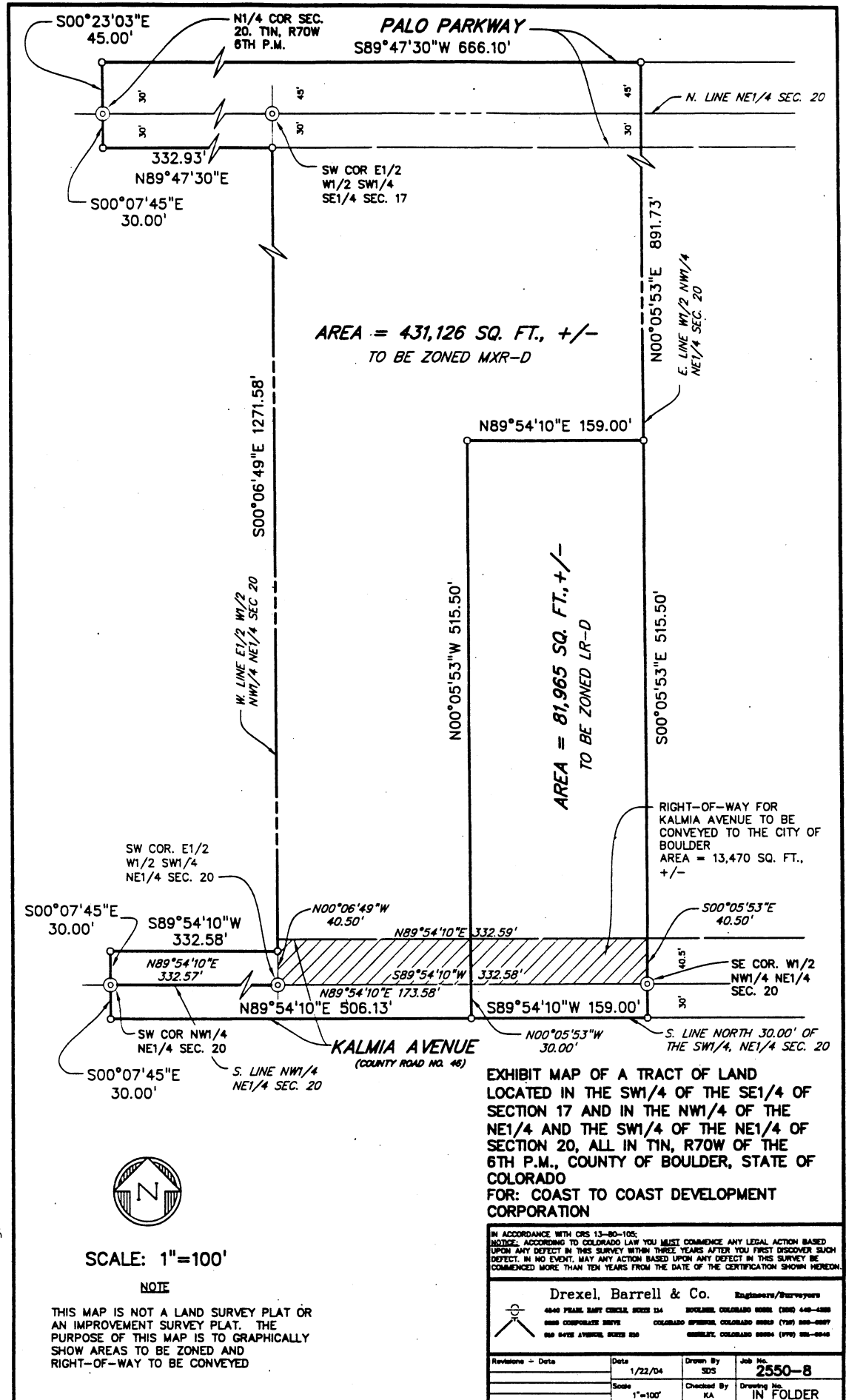
Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

(303) 442-4338

(K. Albers - S2550-10 - 5576L.KSA)



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ORDINANCE NO. _____

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 16.70 ACRES OF LAND GENERALLY LOCATED AT 4195 47th STREET, WITH AN INITIAL ZONING CLASSIFICATION OF MXR-D AS DESCRIBED IN CHAPTER 9-2, BOULDER REVISED CODE, 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; AND SETTING FORTH DETAILS IN RELATION HERETO.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS:

THAT Norman W. and Alvera M. Vojta are the owners of the parcel which comprises the real property more particularly described in Exhibit "A"; and,

THAT the owners of 100% of the area proposed for annexation, including streets and alleys, have been petitioned for annexation of, and zoning designation of MXR-D (Mixed Density Residential-Developing) and the said property is not embraced within any city, city and county, or incorporated town, and that the said property abuts upon, and is contiguous to, the City of Boulder by at least one-sixth of its perimeter; and,

THAT a community of interest exists between the property proposed for annexation and the City of Boulder, the said property is urban or will be urbanized in the near future, and the said property is capable of being integrated into the City of Boulder; and,

THAT the subject does not include any area included in another annexation proceeding involving a city other than the City of Boulder; and,

THAT this annexation will not result in the detachment of the area from one school district and the attachment of same to another school district; and,

THAT this annexation will not have the effect of extending the City of Boulder's boundaries

any further than three miles from any point of the existing City boundaries; and,

THAT the subject property does not include any area which is the same or substantially the same area in which an election for the annexation to the City was held within twelve months preceding the filing of the above Petition; and,

THAT the Planning Board duly proposed that the subject property be annexed to the City of Boulder and that the zoning district map adopted by the City Council be amended to zone and include portions of the subject property in the MXR-D zoning district, as provided in Chapter 9-2, Boulder Revised Code, 1981; and,

THAT a public hearing on the proposed annexation and zoning of the property annexed and zoned hereby was duly held before the City Council on March 16, 2004; and,

THAT the zoning of the subject property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the subject property and of the residents of the City of Boulder; and,

THAT the City Council has jurisdiction and the legal authority to annex and zone the subject property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

Section 1. The territory more particularly described in Exhibit "A" be, and the same hereby is, annexed to and included within the corporate boundaries of the City of Boulder.

Section 2. Chapter 9-2, Boulder Revised Code, 1981, and the zoning district map forming a part thereof, be, and the same hereby are, amended to include the subject property within the MXR-D (Mixed Density Residential-Developing) zoning district.

Section 3. The annexation and zoning of the subject property is necessary for the protection of the public health, safety, and welfare.

Section 4. The City Council deems it appropriate that this ordinance be published by title only and directs the City Clerk to make available in his office copies of the text of the within ordinance for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
ONLY this 3rd day of February, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AND PASSED, ADOPTED AND ORDERED
PUBLISHED BY TITLE ONLY this 16th day of March, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

ATTACHMENT

ExhibitA: Legal Description

— Exhibit A 4195-47d —
(Vista Property)

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE N1/2 OF THE NE1/4 OF THE SE1/4 OF SECTION 17, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 17, WHENCE THE CENTER OF SAID SECTION 17 BEARS S89°39'00"W, 2669.36 FEET; THENCE S00°15'30"E, 40.50 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 17; THENCE N89°39'00"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S00°15'30"E, 624.10 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF N. 47TH STREET (COUNTY ROAD NO. 53);

THENCE S89°41'07"W, 1165.95 FEET ALONG THE SOUTH LINE OF THE N1/2 OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 17 TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO GERALD E. COLCLASURE AND DELORIS M. COLCLASURE AS DESCRIBED IN WARRANTY DEED RECORDED ON FILM 533 AS RECEPTION NO. 782933 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE N00°19'17"W, 623.38 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 533 AS RECEPTION NO. 782933;

THENCE N89°39'00"E, 1166.63 FEET ALONG A LINE 40.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SE1/4 OF SAID SECTION 17 TO THE TRUE POINT OF BEGINNING.

AREA = 16.70 ACRES

LEGAL DESCRIPTION PREPARED BY: KENT S. ALBERS
DREXEL, BARRELL & CO.
4840 PEARL EAST CIRCLE, SUITE 114
BOULDER, COLORADO 80301-2475
303-442-4338

ORDINANCE NO. ____

AN ORDINANCE REZONING THE NORTH APPROXIMATELY 4.68 ACRES OF LAND LOCATED GENERALLY AT 3245 KALMIA, FROM THE LR-D TO MXR-D ZONING CLASSIFICATION AS DESCRIBED IN CHAPTER 9-2, BOULDER REVISED CODE, 1981, AND SETTING FORTH DETAILS IN RELATION HERETO.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS:

THAT a public hearing before the Planning Board of the City of Boulder was duly held on January 8, 2004, in consideration to the rezoning from LR-D to MXR-D of the real property more particularly described in Exhibit "A"; and,

THAT the Planning Board duly recommended that the zoning district map adopted by the City Council be amended to include the subject property in the MXR-D zoning district, as provided in Chapter 9-2, Boulder Revised Code, 1981; and,

THAT a public hearing on the proposed rezoning of the property was duly held before the City Council on March 16, 2004; and,

THAT the zoning of the subject property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the subject property and of the residents of the City of Boulder; and,

THAT the City Council has jurisdiction and the legal authority to rezone the subject property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

Section 1. Chapter 9-2, Boulder Revised Code, 1981, and the zoning district map forming a part thereof, be, and the same hereby are, amended to include the subject property within the MXR-D (Mixed Density Residential- Developing) zoning district.

Section 2. The rezoning of the subject property is necessary for the protection of the public health, safety, and welfare.

Section 3. The City Council deems it appropriate that this ordinance be published by title only and directs the City Clerk to make available in his office copies of the text of the within ordinance for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 3rd day of February, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 16th day of March, 2004.

Mayor

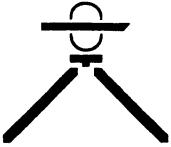
Attest:

City Clerk on behalf of the
Director of Finance and Record

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ATTACHMENT

ExhibitA: Legal Description



Drexel, Barrell & Co.

— *Exhibit A* —
(None)

Engineers/Surveyors

Boulder,
Colorado Springs,
Greeley

November 19, 2003

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

A description of that portion of the Calvary Bible Church to be rezoned to MXR-D, for Coast to Coast Development.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A portion of W1/2 of the E1/2 of the NW1/4 of the NE1/4 of Section 20, T1N, R70W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, thence N89°54'10"E, 665.15 feet along the South line of the NW1/4 of the NE1/4 of said Section 20 to the Southwest Corner of the E1/2 of the NW1/4 of the NE1/4 of said Section 20; thence N00°05'53"W, 690.05 feet along the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the TRUE POINT OF BEGINNING;

Thence continuing N00°05'53"W, 612.18 feet along the West line of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to the Southwest Corner of that tract of land conveyed to the County of Boulder as described in Special Warranty Deed recorded on Film 1297 as Reception No. 614470 of the records of Boulder County, Colorado;

Thence N89°47'30"E, 332.93 feet along the South line of that tract of land as described on said Film 1297 as Reception No. 614470 to the East line of the W1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20;

Thence S00°04'56"E, 612.83 feet along the East line of the W1/2 of the E1/2 of the NW1/4 of the NE1/4 of said Section 20 to a point

(K. Albers - S2550-8 - 5567L.KSA)

from which the True Point of Beginning bears S89°54'10"W;

Thence S89°54'10"W, 332.76 feet to the TRUE POINT OF BEGINNING.

Area = 4.680 acres (203,870 square feet), more or less.

Legal Description prepared by:

Kent S. Albers

Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

(303) 442-4338

C & C	LIQUID	
CA	CUBIC & OTHER	
CB	CONCRETE CISTERN	
CC	CORRUGATED METAL PIPE	
CD	CONCRETE DRAIN	
CE	CONCRETE PAD	
CF	ELECTRIC BOX	
CG	ELECTRIC WATER	
CH	ELECTRIC WIRE	
CI	FLUE INSULATOR	
CJ	FLUE	
CK	FLUE TILE	
CL	GAS METER	
CM	GAS METER	
CN	GAS METER	
CO	GAS METER	
CP	GAS METER	
CQ	GAS METER	
CR	GAS METER	
CS	GAS METER	
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EQ	GAS METER	
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EV	GAS METER	
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FB	GAS METER	
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FW	GAS METER	
FX	GAS METER	
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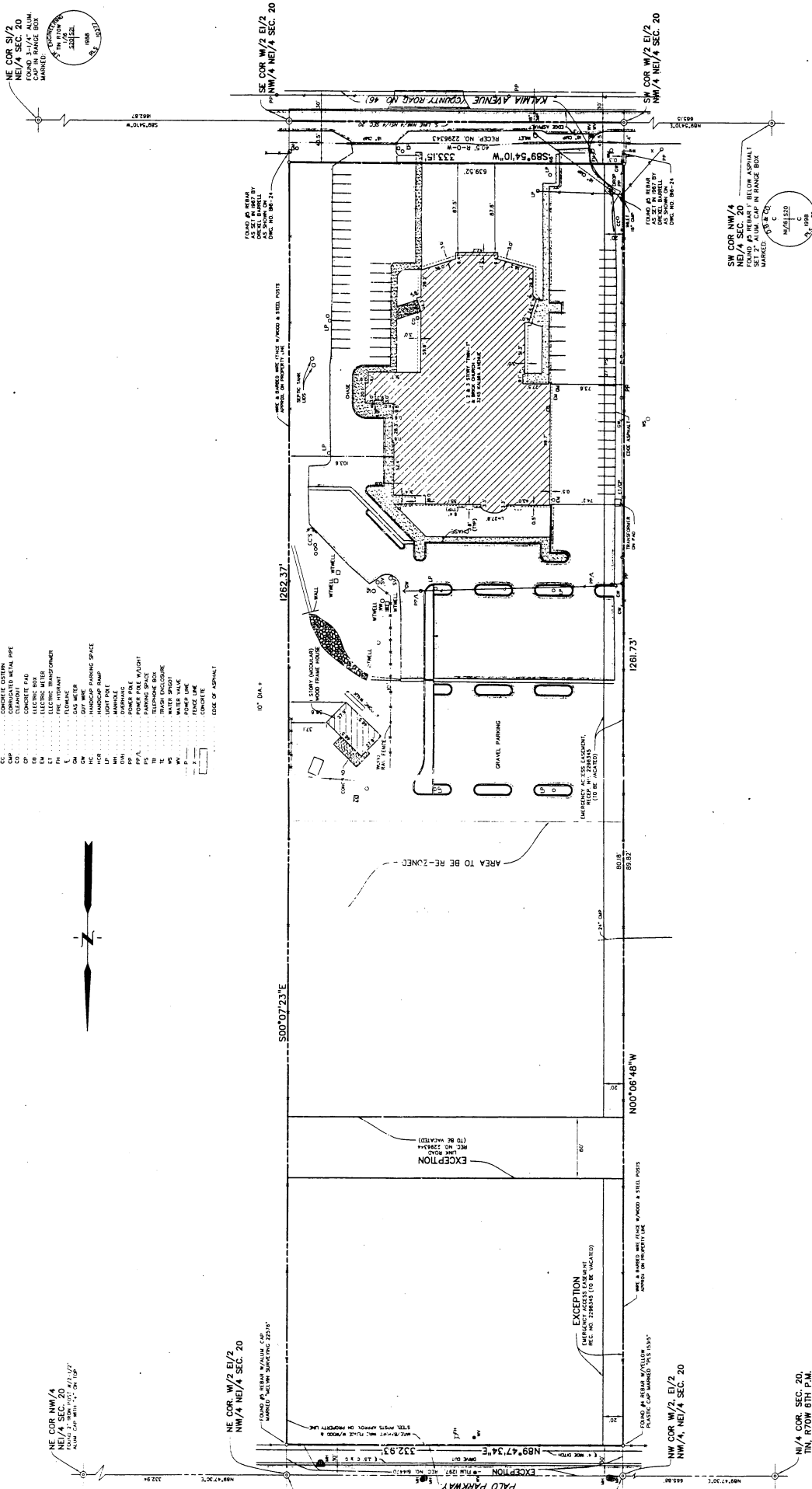
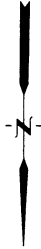


EXHIBIT MAP
N.T.S.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING CITY MANAGER TO AMEND AN ANNEXATION AGREEMENT ASSOCIATED WITH APPROXIMATELY 10.18 ACRES OF LAND LOCATED GENERALLY 3245 KALMIA AVENUE, ORIGINALLY ANNEXED INTO THE CITY OF BOULDER PURSUANT TO ORDINANCE NO. 7207

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS:

THAT the Calvary Bible Evangelical Free Church of Boulder, a Colorado Corporation, (the "Owner") is the owner of the property more particularly described on Exhibit "A" attached hereto and incorporated herein by reference(the "Property"); and

THAT the Owner is interested in amending the annexation agreement, recorded at reception no. 2296346 with the Boulder County Clerk and Recorder, that it entered into with the City of Boulder when it was annexed into the City pursuant to Ordinance No. 7207; and

THAT the amendment to the annexation agreement will allow the Owner to participate in a unified development plan with surrounding property owners; and

THAT the City Council finds that it is in the interest of the City to amend the annexation agreement to permit the inclusion of the Property into the Unified Development Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council authorizes the City Manager to enter into the annexation agreement amendment that is attached to this ordinance as Exhibit B.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED
PUBLISHED BY TITLE ONLY this 3rd day of February, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this 16th day of March, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

Exhibits

- A. Legal Description
- B. Annexation Agreement Amendment

EXHIBIT A
TO CALVARY BIBLE CHURCH ANNEXATION AGREEMENT

LEGAL DESCRIPTION OF THE PROPERTY GENERALLY DESCRIBED AS
3245 KALMIA AVENUE AND MORE PARTICULARLY DESCRIBED BELOW

A PARCEL OF LAND LOCATED IN THE NE1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, FOR ANNEXATION NO. 3.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NE1/4 OF SECTION 20, T1N R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 20; THENCE S00°04'00"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S89°54'10"W, 665.15 FEET ALONG THE SOUTH RIGHT-OF-WAY OF KALMIA AVENUE;

THENCE N00°05'50"W, 1332.23 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NE1/4 OF SAID SECTION 20;

THENCE N89°47'34"E, 332.93 FEET ALONG THE SOUTH RIGHT-OF-WAY OF PALO PARKWAY;

THENCE S00°04'56"E, 1272.87 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 20;

THENCE N89°54'10"E, 332.58 FEET ALONG THE NORTH RIGHT-OF-WAY OF KALMIA AVENUE;

THENCE S87°17'47"W, 659.67 FEET

THENCE S87°29'26"E, 659.64 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 10.18 ACRES ±

— Exhibit B (Church) —

**ANNEXATION AGREEMENT
(First Amendment)**

THIS AGREEMENT, made this ____ day of _____, 2004, by and between the CITY OF BOULDER, a Colorado home rule city, (the "City"); and Calvary Bible Evangelical Free Church, (the "Applicant"):

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as 3245 Kalmia Avenue and more particularly described in Exhibit A, included herein by this reference (the "Property");

WHEREAS, the Applicant is interested in obtaining approval from the City of an repeal and replacement to the annexation agreement, dated June 4, 2002 applicable to the Property, that was recorded on June 11, 2002 with the Boulder County Clerk and Recorder at reception no. 2296346 (the "Annexation Agreement")

WHEREAS, the numbering below is intended to correspond with the numbering used in the Annexation Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree to repeal and replace the Annexation Agreement as follow:

1. The parties agree to repeal and replace the definitions in Sub paragraph 1.f. and 1.g. of the Annexation Agreement. The parties agree that there are no changes to remainder of Paragraph 1 and therefore shall continue to be a part of the Annexation Agreement.

Definitions. The following terms, as used in the Annexation Agreement, are repealed and replaced by the following:

- f. "Religious Assembly Parcel" means that portion of the site, approximately 5.3 acres in size that is located on the southern part of parcel abutting Kalmia Avenue on the south that excludes the Residential Parcel and more particularly described in Exhibit B, together with any land that may be added adjacent to the east and west boundaries of the property as part of a unified development plan.
- g. "Residential Parcel" means that portion of the site, approximately 4.7 acres in size that is located on the northern edge of the parcel abutting Palo Parkway, and more particularly described in Exhibit B.

2. The parties agree that the conditions of paragraph 2.a. to 2.e., have been completed and therefore, mutually release each other from the same.
3. The parties agree that the conditions of paragraph 3.a. and 3.b., have been completed and therefore, mutually release each other from the same.
3. The parties agree that there are no changes to paragraphs 3.c., and therefore, shall continue to be a part of the Annexation Agreement.
- 4-5. The parties agree that there are no changes to paragraphs 4 and 5, and therefore, shall continue to be a part of the Annexation Agreement.
6. The parties agree to repeal and replace the language of Paragraph 6, to read:

Sewer Plant Investment Fees. If the property owner does elect to connect an existing structure to City sewer service by June 30, 2005, the plant investment fees, service and meter charges, and tap fees will be charged at the 1999 rate, which is the date of the start of the annexation procedure in the amount of \$7,457. All sewer connection fees shall be at the rates in affect at the time of connection. Connection to the sewer mains on or after January 1, 2004 will require payment of the then current plant investment fees, service charges, and tap fees.

- 7-8. The parties agree that there are no changes to paragraphs 7 and 8, and therefore, shall continue to be a part of the Annexation Agreement.
9. The parties agree that there are no changes to Subparagraphs 9.a., 9.b., 9.c, and 9.d., and therefore, shall continue to be a part of the Annexation Agreement. The Parties agree to repeal and replace Subparagraph 9.e., to read:

Major Expansion and Residential Parcel. Prior to application for any building permits for any Major Expansion, or development of the Residential Parcel, the Applicant shall:

- e. Dedicate and construct a road that connects to the parcels to the east and west of the property as part of a unified development plan with the abutting properties or construct the Link Road, at no cost to the City.
10. The Parties agree to repeal and replace Paragraph 10., to read:

Transportation - Requirements for the Link Road. The purpose of the Link Road is to provide an opportunity for a street through the Property to connect the properties that abut the Property's east and west property lines (the "neighboring properties").

- a. Construction and Reimbursement. The entire Link Road shall be constructed at the earlier of either development of the Residential Parcel

or a Major Expansion. The City will enter into a public improvement extension agreement that meets the requirements of Section 9-5-9(f), B.R.C. 1981 with the party that builds the Link Road and will collect one-half of the costs of construction from the party that subsequently develops its property and pay over the funds collected to the party that constructed the road. Collection, reimbursement, and repayment shall be triggered the later of either development of the Residential Parcel or a Major Expansion. This requirement may be replaced by the dedication and construction a road that connects to the parcels to the east and west of the Property as part of a unified development plan with the abutting properties.

- b. Vacation. In the event that the neighboring properties develop in a manner that does not require the construction of the Link Road or if the Link Road is replaced by another road that connects the parcels to the east and west of the Property as part of a unified development plan with the abutting properties, the City agrees the public purpose for this right-of-way will cease and that the City will vacate the Link Road Right-of-Way, in accordance with § 43-12-301, *et seq.* C.R.S. The parties agree that such determination shall only be made after public infrastructure is built and accepted on the Residential Parcel, neighboring properties or concurrent with a subdivision of the property pursuant to Section 9-5-9, "Subdivisions," B.R.C. 1981.

11-12. The parties agree that there are no changes to paragraphs 11 and 12 and therefore shall continue to be a part of the Annexation Agreement.

13. The Parties agree to repeal and replace Paragraph 13, to read:

Fire Protection. In order to insure adequate emergency response and fire protection, prior to the earlier of 30 months after water connection, development on the Residential Parcel, or Major Expansion, the Applicant shall either:

- a. Construct a looped water system with multiple hydrants on the property or on an adjacent property with access to the church, that meets the Standards of the City of Boulder Design and Construction Standards and the City of Boulder Fire Prevention Code and construct a secondary access road, in a dedicated 20-foot wide emergency access easement, with a minimum 12-foot wide paved surface, that complies with City of Boulder Design and Construction Standards, for emergency vehicles that at a minimum, that connects Kalmia Avenue to Palo Parkway; or
- b. If either the additional fire hydrants and the fire lane are not provided, install a fire sprinkler system for the entire building, meeting the requirements of the City of Boulder Fire Prevention Code for sprinkler systems. The Applicant shall submit plans as part of a Technical

Document Review showing that the Property meets all secondary emergency access and fire hydrant design and construction standards for the entire Property prior to the application for any building permits for any Major Expansion or development on the Residential Parcel.

14-19. The parties agree that there are no changes to paragraphs 14 to 19 and therefore shall continue to be a part of the Annexation Agreement.

20. The Parties agree to repeal and replace Paragraph 20, to read:

Land Use - Residential. The Applicant shall use the Residential Parcel for residential land uses. The Applicant agrees to redevelop the property, to the extent practical, to create the maximum number of dwelling units that the zoning will allow.

21. The Parties agree that paragraph 21 is not applicable to the unified plan for housing development, and delete the same, effective upon the rezoning of the Residential Parcel to Mixed Density Residential – Developing (MXR-D).

22. The Parties agree to repeal and replace Paragraph 22, effective upon the rezoning of the Residential Parcel to Mixed Density Residential – Developing (MXR-D), to read:

Affordable Housing. Covenants or deed restrictions to secure the permanent affordability of dwelling units shall be signed and recorded with the Boulder County Clerk and Recorder prior to application for any residential building permits. The Applicant agrees that no additional dwelling units shall be approved for any individual parcel unless the following requirements have been met. The following requirements shall apply to the Properties:

a. Permanently Affordable – Low to Moderate Income. At least twenty-three percent (23%) of any new units permitted on site or as part of a unified development plan shall be permanently affordable consistent with Chapter 9-6.5 B.R.C., 1981;

i. At least seven percent (7%) of the total new units that are dedicated as permanently affordable consistent with Chapter 9 6.5 B.R.C.. 1981, shall consist of single family attached or townhouse style dwelling units;

b. Permanently Affordable – Middle Income. At least twenty-two percent (22%) of any new units permitted on site shall be permanently affordable to middle income households consistent with the following requirements:

ii. At least three percent (3%) of the total new units in the development that are dedicated as permanently affordable middle

income units shall consist of single family detached units. The maximum allowable prices for these single family detached units shall be based upon household incomes that are 40% greater than the HUD Low Income Limit for the City of Boulder;

- iii. At least seventeen percent (17%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of single family attached or non-stacked dwelling units. The maximum allowable prices for these single family attached units shall be based upon household incomes that are 37% greater than the HUD Low Income Limit for the City of Boulder;
 - iv. No more than two percent (2%) of the total new units in the development that are dedicated as permanently affordable middle income units shall consist of multi-family stacked units. The maximum allowable prices for these multi-family units shall be based upon household incomes that are 20% greater than the HUD Low Income Limit for the City of Boulder.
- c. Prior Approval of Building Plans Required. Prior to application for a building permit for the permanently affordable units, the location, construction methods, floor plans, exterior elevations, fixtures, finish, and cabinetry must be approved by the City Manager in order to be accepted as permanently affordable units that meet the obligations set forth above.
 - d. Covenants and Deed Restrictions Required. Prior to application for a building permit for any new units, the Applicant shall execute, in a form acceptable to the City Attorney and the City Manager, covenants and deed restrictions for the permanently affordable units. The covenants and deed restrictions shall include, without limitation, the initial sale price and the rate by which subsequent sale prices may increase as well as the income qualifications for the dwelling unit purchasers so as to guarantee the perpetual affordability of the units. The covenants and deed restrictions shall be recorded against the Properties and run with the land.

22-28. The parties agree that there are no changes to paragraphs 22 to 28 and therefore shall continue to be a part of the Annexation Agreement.

EXECUTED on the day and year first above written.

OWNER:
Calvary Bible Evangelical Free Church

BY: _____
Del Elliott, Chairman of the Elder
Board

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2004, by Del Elliott, Chairman of the Elder Board for Calvary Bible Evangelical Free
Church.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: _____.

Notary Public

BY: _____
Patrick Flaherty
Business Administrator

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
2004, by Patrick Flaherty, Business Administrator for Calvary Bible Evangelical Free
Church.

WITNESS MY HAND AND OFFICIAL SEAL

My commission expires: _____.

Notary Public

EXHIBIT A
TO CALVARY BIBLE CHURCH ANNEXATION AGREEMENT

LEGAL DESCRIPTION OF THE PROPERTY GENERALLY DESCRIBED AS
3245 KALMIA AVENUE AND MORE PARTICULARLY DESCRIBED BELOW

A PARCEL OF LAND LOCATED IN THE NE1/4 OF SECTION 20, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, FOR ANNEXATION NO. 3.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NE1/4 OF SECTION 20, T1N R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 20; THENCE S00°04'00"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S89°54'10"W, 665.15 FEET ALONG THE SOUTH RIGHT-OF-WAY OF KALMIA AVENUE;

THENCE N00°05'50"W, 1332.23 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF THE NE1/4 OF SAID SECTION 20;

THENCE N89°47'34"E, 332.93 FEET ALONG THE SOUTH RIGHT-OF-WAY OF PALO PARKWAY;

THENCE S00°04'56"E, 1272.87 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 20;

THENCE N89°54'10"E, 332.58 FEET ALONG THE NORTH RIGHT-OF-WAY OF KALMIA AVENUE;

THENCE S87°17'47"W, 659.67 FEET

THENCE S87°29'26"E, 659.64 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 10.18 ACRES ±

ORDINANCE NO. _____

AN ORDINANCE DISCONNECTING A PORTION OF JAY
ROAD WEST OF 47TH STREET FROM THE CITY LIMITS OF
THE CITY OF BOULDER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. The City Council finds that the requirements of Section 31-12-501, C.R.S. have been satisfied. The City Council is of the opinion that the best interests of the City will not be prejudiced by the disconnection and detachment of that parcel of public right of way that is more particularly described in Exhibit A of this ordinance, incorporated herein by this reference (the "Property").

Section 2. The City Council further finds that detachment and disconnection of the Property will further enhance the logical provision of governmental service, specifically transportation and traffic control services, provided by Boulder County.

Section 3. The City Council orders that the Property be detached and disconnected from the city limits of the City of Boulder upon the effective date of this ordinance.

Section 4. The City Council further orders the City Manager to file copies this ordinance together with the legal description and map of the Property with the Boulder County Clerk and Recorder as provided by Section 31-12-501, C.R.S.

Section 5. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 6. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 3rd day of February, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this 16th day of March, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

ATTACHMENTS

Exhibit A: Legal Description

January 27, 2004

A description of that portion of Jay Road located in the E1/2 of Section 17, T1N, R70W of the 6th P.M., to be disconnected from the City of Boulder, for Coast to Coast Development.

LEGAL DESCRIPTION

A strip of land located in the NW1/4 of the SE1/4 and in the SW1/4 of the NE1/4 of Section 17, T1N, R70W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the E1/4 Corner of said Section 17, thence S00°15'30"E, 40.50 feet along the East line of the SE1/4 of said Section 17 to the Southeast Corner of the North 40.50 feet of the SE1/4 of said Section 17; thence S89°39'00"W, 1556.12 feet along the South line of the North 40.50 feet of the SE1/4 of said Section 17 to the East line of that tract of land as described in Ordinance No. 5480 as recorded on Film 1875 as Reception No. 1338567 of the records of Boulder County, Colorado, and the TRUE POINT OF BEGINNING;

Thence continuing S89°39'00"W, 811.16 feet along the South line of the North 40.50 feet of the SE1/4 of said Section 17 to the West line of that tract of land as described in said Ordinance No. 5480;

Thence N00°23'08"W, 100.50 feet along the West line of that tract of land as described in said Ordinance No. 5480 to the North right-of-way line of Jay Road in Orange Orchard, a Subdivision recorded June 14, 1973 in Plan File P-4, F-2, No.'s 34 and 35 of the records of Boulder County, Colorado;

Thence N89°39'00"E, 811.58 feet along the North right-of-way line of said Jay Road to the East line of that tract of land as described in said Ordinance No. 5480;

Thence S00°08'49"E, 100.50 feet along the East line of that tract of land as described in said Ordinance No. 5480 to the TRUE POINT OF BEGINNING.

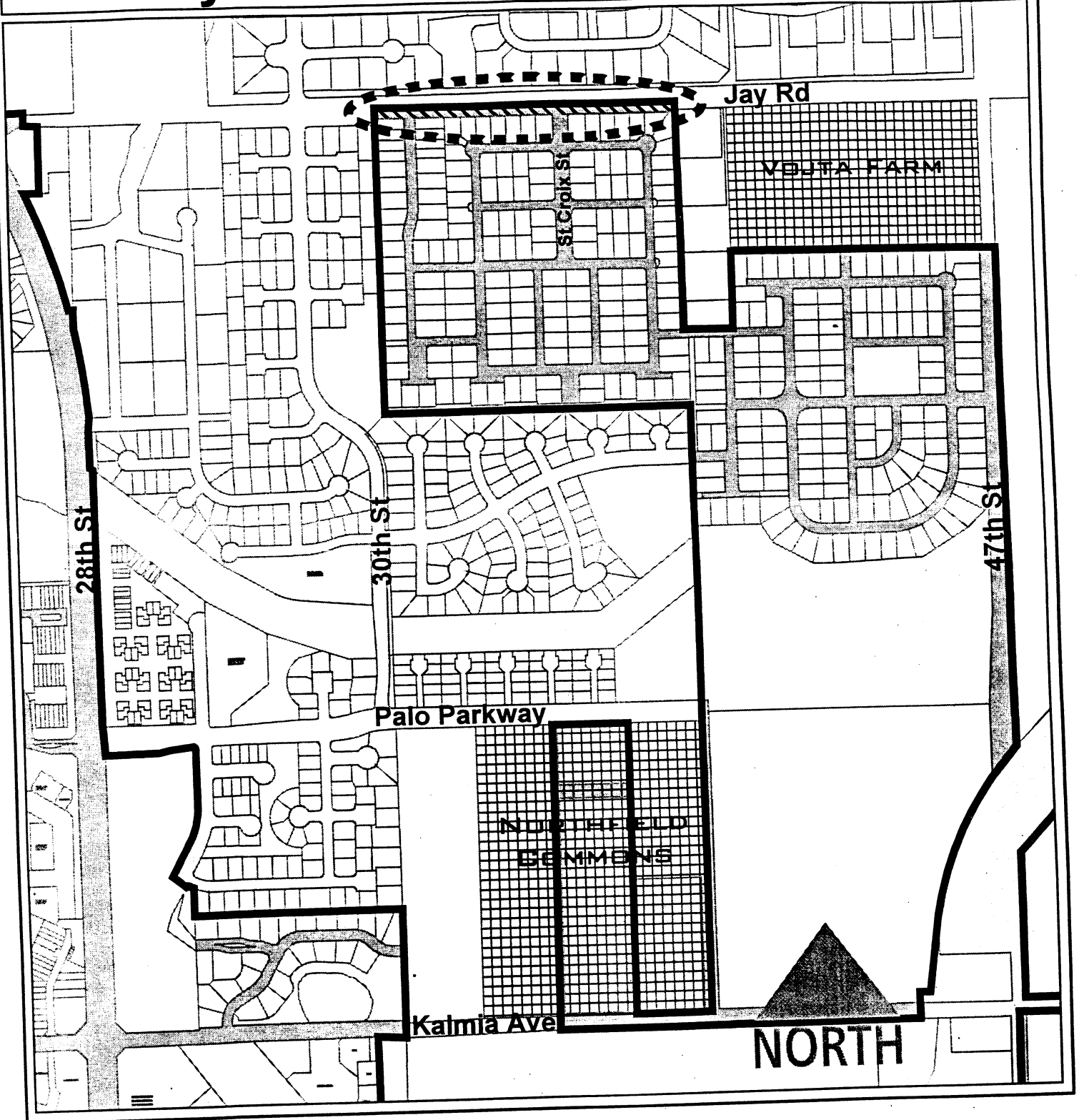
Legal Description prepared by:
Kent S. Albers
Drexel, Barrell & Co.
4840 Pearl East Circle, #114
Boulder, CO 80301-2475
(303) 442-4338

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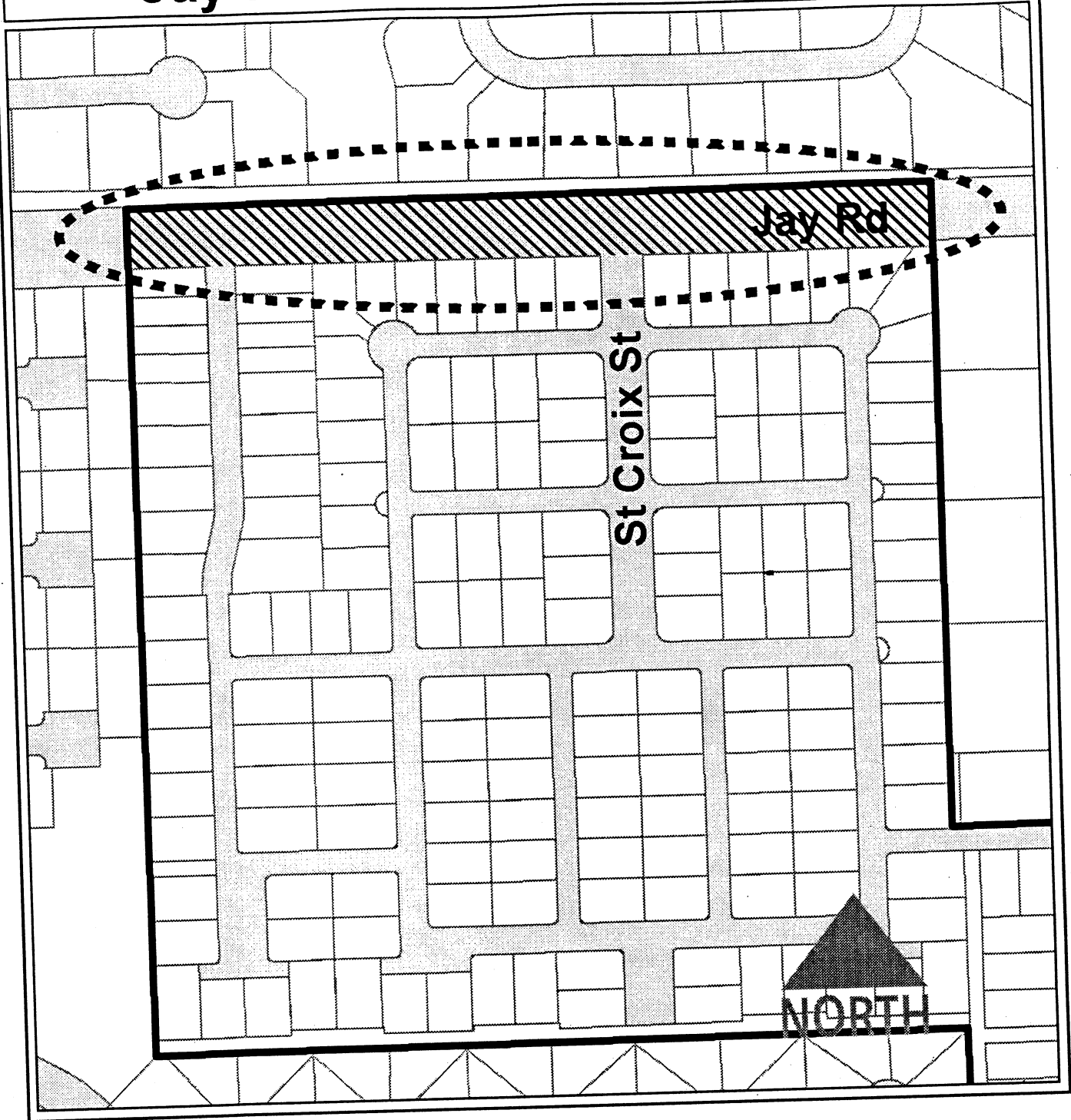


ATTACHMENT I

Jay Road Deannexation Area



Jay Road Deannexation Area



ATTACHMENT J

REZONING CRITERIA

The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, and, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:

1. YES The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map;

The BVCP land use map was changed as part of the 2002/2003 annual update to designate the north portion of the church as medium density residential. To be able to develop at this density, a zone change to MXR is consistent with the Comp Plan Land Use Map

___ The existing zoning of the land was the result of a clerical error;

___ The existing zoning of the land was based on a mistake of fact;

___ The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;

___ The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or

___ The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.

ATTACHMENT K

ORDINANCE NO. _____

AN ORDINANCE GRANTING A VESTED PROPERTY RIGHT FOR A PERIOD OF FIVE YEARS FOR APPROVED SITE REVIEWS FOR A PROPERTY LOCATED AT 4195 47th STREET, AND PROPERTIES LOCATED AT 3035, 3245, AND 3345 KALMIA AVENUE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER,

COLORADO, FINDS AND RECITES:

- A. The Calvary Bible Evangelical Free Church, Michael Markel, Gary Calderon, J. Kirk Hendricks, and Kalmia 10-Acre Partnership, LTD., by Kalmia Ten Management, LLC, and Norman W. and Alvera M. Vojta, (the "Owner") is the owner of the property located at 3035, 3245, and 3345 Kalmia Avenue, and 4195 47th Street, more particularly described in Exhibit A (the "Property").
- B. The planning board approved Site Review LUR2003-00033, on January 8, 2004. The approval is final on upon annexation of all of the Property into the City of Boulder. (the "Development Plan").
- C. The city council finds that the development approval for the Development Plan constitutes a site specific development plan with the meaning of Subsection 9-4-12(a), B.R.C. 1981, and Section 24-68-102(4), C.R.S.
- D. The Development Plan provides the development of the Property over a period of approximately five years.
- E. Pursuant to the provisions of Section 9-4-12, "Creation of Vested Rights," B.R.C. 1981, and Section 24-68-102, C.R.S., the owner has requested an extension of the vesting period from three to five years in order to vest property rights in the site specific development plan so that it may have assurances of completing its planned expansion.
- F. Section 24-68-104, C.R.S., requires city council approval of any site specific development plans granting vested rights for longer than a three-year period.
- G. The planning board recommended the grant of a five-year vesting period.
- H. The city council, having reviewed the Development Plan, finds that a five-year vesting period is appropriate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The vested right is hereby granted and approved by the city council, granting the Owner a five-year vesting period for a site specific development plan, for Site Review LUR 2003-00033, Development Plan. The vested right granted in the Development Plan includes the following specific elements of the Developers' application. The Development Plan includes:

- a. 328 dwelling units consisting of 66 single family units, 82 duplex units, 76 fourplex units, and 104 eightplex units as shown on the Site Plans for LUR2003-00033;
- b. Bulk standards as approved on "Schedule A", page 10 of the Development Plan, as amended on January 8, 2004;
- c. Site plans as shown on pages P-1 and P-2, pages 34 and 36 of the Development Plan;
- d. Future church expansion to include 5300 square foot sanctuary, 15,000 square foot church offices, 25,000 square foot youth center, and attendant parking as shown on page 35 of the Development Plan; and
- e. The preliminary plats for the two sites, as shown on pages 65 & 69 of the Development Plan, and as amended on January 8, 2004.

Section 2. The city council orders that the five year vesting period described in this ordinance shall run from the effective date of this ordinance and expire on the fifth anniversary of said date.

Section 3. The vested right granted by this ordinance only entitles the Owner of the Property those rights and remedies that are included in Section 24-68-101 to 106, C.R.S. on the effective date of this ordinance.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 5. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED
PUBLISHED BY TITLE ONLY this 3rd day of February, 2004.

Mayor

Attest:

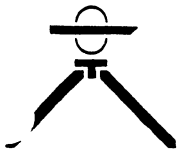
City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this 16th day of March, 2004.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record



Drexel, Barrell & Co.

— *Exhibit A*
(3035, 3245, 3345 Valmire)

Engineers/Surveyors

Boulder.
Colorado Springs.
Greeley

April 18, 2003

4840 Pearl East Circle
Suite 114
Boulder, Colorado 80301-2475

A description of the outside boundary of proposed
NORTHFIELD COMMONS, for Coast to Coast Corporation.

303 442 4338
303 442 4373 Fax

LEGAL DESCRIPTION

A tract of land located in the NW1/4 of the NE1/4 of Section 20, T1N, R70W of the 6th P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the Southwest Corner of the NW1/4 of the NE1/4 of said Section 20, thence N89°54'10"E, 332.57 feet along the South line of the NW1/4 of the NE1/4 of said Section 20 to the Southwest Corner of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 20 and the TRUE POINT OF BEGINNING;

Thence N00°06'49"W, 1301.58 feet along the West line of the E1/2 of the W1/2 of the NW1/4 of the NE1/4 of said Section 20 to the South right-of-way line of Palo Parkway in PALO PARK FILING NO. 4 as recorded in Plan File P-15, F-3, No. 4 of the records of Boulder County, Colorado;

Thence N89°47'30"E, 998.80 feet along the South right-of-way line of said Palo Parkway to the East line of the NW1/4 of the NE1/4 of said Section 20;

Thence S00°04'00"E, 1303.52 feet along the East line of the NW1/4 of the NE1/4 of said Section 20 to the Southeast Corner thereof;

Thence S89°54'10"W, 332.58 feet along the South line of the NW1/4

(K. Albers - S2550-8A - 5515K.KSA)

of the NE1/4 of said Section 20 to the Southeast Corner of that tract of land conveyed to the City of Boulder as described in Deed of Dedication recorded at Reception No. 2296343 of the records of Boulder County, Colorado;

Thence N00°04'56"W, 40.50 feet along East line of that tract of land as described at said Reception No. 2296343 to the Northeast Corner thereof;

Thence S89°54'10"W, 332.59 feet along the North line of that tract of land as described at said Reception No. 2296343 to the Northwest Corner thereof;

Thence S00°05'53"E, 40.05 feet along the East line of that tract of land as described at said Reception No. 2296343 to the Southwest Corner thereof;

Thence, S89°54'10"W, 332.58 feet along the South line of the NW1/4 of the NE1/4 of said Section 20 to the TRUE POINT OF BEGINNING.

Legal Description Prepared by:

Kent S. Albers

Drexel, Barrell & Co.

4840 Pearl East Circle, Suite 114

Boulder, CO 80301-2475

(303)442-4338

— Exhibit A 4195-47th
(Vojta Property) —

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE N1/2 OF THE NE1/4 OF THE SE1/4 OF SECTION 17, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE E1/4 CORNER OF SAID SECTION 17, WHENCE THE CENTER OF SAID SECTION 17 BEARS S89°39'00"W, 2669.36 FEET; THENCE S00°15'30"E, 40.50 FEET ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 17; THENCE N89°39'00"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S00°15'30"E, 624.10 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF N. 47TH STREET (COUNTY ROAD NO. 53);

THENCE S89°41'07"W, 1165.95 FEET ALONG THE SOUTH LINE OF THE N1/2 OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 17 TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO GERALD E. COLCLASURE AND DELORIS M. COLCLASURE AS DESCRIBED IN WARRANTY DEED RECORDED ON FILM 533 AS RECEPTION NO. 782933 OF THE RECORDS OF BOULDER COUNTY, COLORADO;

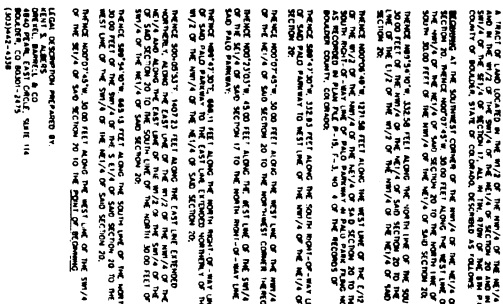
THENCE N00°19'17"W, 623.38 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 533 AS RECEPTION NO. 782933;

THENCE N89°39'00"E, 1166.63 FEET ALONG A LINE 40.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SE1/4 OF SAID SECTION 17 TO THE TRUE POINT OF BEGINNING.

AREA = 16.70 ACRES

LEGAL DESCRIPTION PREPARED BY: KENT S. ALBERS
DREXEL, BARRELL & CO.
4840 PEARL EAST CIRCLE, SUITE 114
BOULDER, COLORADO 80301-2475
303-442-4338

S:\S255010\AMHEX02.dwg, 4/18/2003 3:47 17 PM Drawn: Barred & Co

[illegible]

- TOTAL, APPROXIMATE OF AREA TO BE AFFECTED
- BIRTH TOTAL, APPROXIMATE
- COMBINATION OF DISTANCE OF AREA AFFECTED
- TO EXISTING CITY LIMITS

LEGAL DESCRIPTION

NOTES

100

AREA TO BE ANNEXED

Exhibit Item # 35 Page # 111

A TRACT OF LAND LOCATED IN THE NE/2 OF THE NE/4 OF THE SE/4 OF SECTION 17, T1N, R70W IN THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS

COMMENCING AT THE E/4 CORNER OF SAO SECTION 17, THENCE THE CENTER OF SAO SECTION 17 BEARS S69°39'00"W, 2988.36 FEET, THENCE E60°50'00"S, 40.50 FEET ALONG THE EAST LINE OF THE S1/4 OF SAO SECTION 17, THENCE N69°39'00"E, 30.00 FEET TO THE TRUE POINT OF BEGINNING.

REFERENCE 5207'S 30' E, 824 0' FEET ALONG THE EAST RIGHT-OF-WAY LINE OF E 47TH STREET (COUNTY ROAD NO 33).

REFERENCE POINT 17, 823.38 FEET ALONG THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID F&M 533 AS RECEPTION NO. 721933.

REFERENCE POINT 17, 144.83 FEET ALONG A LINE 40.50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 17 AT THE BLUE POINT OF ENCLOSURE.

- 3500.06 FEET
- 600.06 FEET
- 465.93 FEET

USCIS AND APPLICANT: NORMAN B. ALPERMAN VOLTA

495 N 47TH STREET
BOULDER, CO 80302

DIREXEL BARNELL & CO
1840 PEARL EAST CIRCLE, #1
BOULDER, CO 80302-3478

NOTES

CITY COUNCIL APPROVAL:

THIS IS TO CERTIFY THAT THE ANNEALIZATION MAP SHOWN HEREON WAS
ACCEPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
BROOMFIELD, COLORADO ON THE _____ DAY OF _____ 2003.

—

10

STATE OF NEW YORK

STATE OF COLORADO
COUNTY OF BOULDER

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK _____ M THIS _____ DAY OF _____ A.D. 2003
AND IS RECORDED IN PLAIN FILE _____, RECEPTION NO. _____

1

CLERK AND RECORDER
COUNTY OF BOULDER
STATE OF COLORADO

ANNEXATION MAP OF A PORTION OF THE
N1/2 OF THE NE1/4 OF THE SE1/4 OF
SECTION 17, T1N, R70W OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF
COLORADO
FOR: NORM VOJTA

COLORADO
FOR: NORM VOJTA

DAN J. WILKINS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ACCOMPANYING MAP WAS PREPARED UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO.

THE UNIVERSITY OF CHICAGO

DAN J. WILLIAMS
COLORADO REGISTERED PROFESSIONAL
AND SURVEYOR NO. 23648

Enclosures - Bids	Date	Drawn By	Job No.
	6-17-83	SJ/RJS	2385-4
Total	1 = 100	Chequed By	Paying To
		JMS	RAG-94

NOTES

- 1 THIS MAP IS NOT A LAND SURVEY PLAT ON AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO ORIGINALLY SHOW THE AREA TO BE ANNEXED TO THE CITY OF BOLDLER.
- 2 MEASUREMENTS ARE BASED ON THE NORTH LINE OF THE SE 1/4 OF SECTION 17 AS BEARING N69°50'00"E (ASSUMED MERIDIAN)
- 3 THIS PROPERTY DOES NOT LIE WITHIN ANY WANTED 100 YEAR FLOOD PLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP, BOLDLER COUNTY COLORADO, AND INCORPORATED AREA, AND NEIGHBORHOODS F, 1995. THIS IS SUBJECT TO CHANGE.